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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

SECOND YEAR OF THE REIGN OF HIS MAJESTY

KING EDWARD VII.

Being the Fifth Session of the Ninth Legislature
of Ontario,

1902

BEGUN AND HOLDEN AT TORONTO ON THE EIGHTH DAY OF JANUARY IN THE YEAR
OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWO.



54354
28/5/02

HIS HONOUR

THE HONOURABLE SIR OLIVER MOWAT,

LIEUTENANT-GOVERNOR.

TORONTO:

PRINTED AND PUBLISHED BY L. K. CAMERON,

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1902.



TORONTO.

WARWICK BRO'S & RUTTER, PRINTERS.

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2 EDWARD VII.

CHAPTER 1.

An Act to provide for the Revision of the Statute Law

Assented to 13th March, 1902

WHEREAS the various enactments mentioned in the Preamble.
Schedule to this Act are spent or have ceased to have
force, otherwise than by express and specific repeal, or have
by lapse of time and change of circumstances become unneces-
sary, or the subject matter thereof is sufficiently provided for
by other enactments, or for other reasons it is desirable that
the same should be repealed;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The Statute Law Revision Act*, Short title.
1902.

2. The enactments described in the schedule to this Act are Repeal of
enactments
in schedule
hereby repealed, but as regards the Imperial statutes if, and,
so far only as, the same are in force, and within the legislative
authority, of this Province.

3. Clause (a) of section 3, of *The Devolution of Estates Act* Rev. Stat.
c. 127, s. 3 (a)
amended
(R.S.O. c. 127) is repealed and the following substituted there-
for:

(a) To all estates of inheritance in fee simple, and all
estates held by the deceased for the life of another, in any
tenements or hereditaments in Ontario whether corporeal or
incorporeal.

4. The lands of a deceased person which shall become Lands which
vest in bene-
ficiary under
Rev. Stat., c
127, s. 13, to
remain liable
to debts.
vested in his heir, or devisee under the thirteenth sec-
tion of *The Devolution of Estates Act* shall continue to be
liable to answer the debts of such deceased person as they
would be if vested in the personal representative of the de-
ceased,
1 s.

Beneficiary to be personally liable for debts of deceased to extent of estate.

ceased, and in the event of a *bonâ fide* sale thereof for value, by such heir, or devisee he shall be personally liable for the debts due to the creditors of such deceased person to the extent of the proceeds of such lands, and in case the sale shall not have been *bonâ fide*, then to the extent of the actual value of the said lands.

Bona fide purchaser from beneficiary without notice of debts, protected.

5. Any *bonâ fide* purchaser for value of any lands of any deceased person which have become vested in his heir, or devisee as aforesaid, without notice of the claims of any unpaid creditors of the deceased person, through whom such heir, or devisee, shall claim, shall be entitled to hold such lands freed and discharged from the claims of such creditors.

Re Cary and Lott (1901) 2 Chy. 463.

Property over which deceased exercised general powers of appointment to be assets.

6. Property, real and personal, over which a deceased person has a general power of appointment which he may exercise for his own benefit without the assent of any other person, shall be assets for the payment of his debts, where the same is appointed by his will; and, under an execution against the personal representatives of such deceased person, such assets may be seized and sold, after the deceased person's own property has been exhausted.

3 W. & M. c. 14.

Warranties abolished.

7. Lineal and collateral warranties at common law with all their incidents are abolished; but the liability of the executors, or administrators, or devisees, of any person who shall have made any covenant, is unaffected by this section.

4 & 5 Anne, c. 3.

Security given for money, etc., won by gaming or for repayment of money lent for gaming illegal.

8. The statute passed in the ninth year of the reign of Her late Majesty Queen Anne intituled *An Act for the better preventing of excessive and deceitful gaming* is hereby amended so far as the same has been incorporated into the law of this Province by striking out the first section thereof and by substituting therefor the following:

All notes, bills, bonds, judgments, mortgages, or other securities, or conveyances whatsoever given, granted, drawn, or entered into, or executed, by any person, where the whole, or any part of, the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever, won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any money knowingly lent or advanced for such gaming, or betting, as aforesaid, or lent, or advanced, at the time and place of such play, to any person so gaming, or betting, as aforesaid, or that shall, during such play, so play, or bet, shall be deemed to have been made, drawn, accepted, given, or executed, for an illegal consideration.

Imp. Stat., 9 Anne c. 19, s. 1; 5 & 6 W. 4, c. 41, s. 1.

9. In case any person shall make, draw, give, or execute any note, bill, or mortgage for any consideration on account of which the same is by the said statute of Her late Majesty Queen Anne as amended by this Act declared to be illegal and such person shall actually pay to any indorsee, holder, or assignee, of such note, bill, or mortgage, the amount of the money thereby secured, or any part thereof, such money so paid shall be deemed and taken to have been paid for, and on account of, the person to whom such note, bill, or mortgage, was originally given upon such illegal consideration as aforesaid, and shall be deemed and taken to be a debt due, and owing, from such last named person to the person who shall so have paid such money, and shall accordingly be recoverable by action

Money paid to the holder of such securities shall be deemed to be paid on account of the person to whom the same was originally given.

Imp. Stat.,
5 & 6 W. 4,
c. 41, s. 2.

10.—(1) For rule 1085 of the Supreme Court of Judicature for Ontario the following provision is substituted :

Rule 1085,
repealed.

1085. Where an order of mandamus shall be issued, the person required to make a return thereto shall, on being duly served therewith, make his return thereto as thereby required, on pain of being proceeded against for contempt of Court.

Mandamus,
return to.

9 Anne, c. 25.

(2) Rule 1087 of the said Supreme Court is amended by adding thereto the following sub-sections :

Rule 1087,
amended.

2. Where the person to whom an order of mandamus is directed shall be found by the Court or a Judge to have made a false or insufficient return thereto, the Court or a Judge may order the person making such false or insufficient return to pay to the party prosecuting such order any damages occasioned by such false or insufficient return, to be assessed by such Court or Judge, or otherwise as may be directed.

False return

9 Anne, c. 25

3. In case damages are awarded under this Rule, the person against whom the same are awarded shall not be liable to be sued in any other action for the making of such return.

Damages for
false return.

QUO WARRANTO PROCEEDINGS.

11. Except in the cases mentioned in sections 15 and 16 of this Act all proceedings against any person who unlawfully claims, or usurps, or is alleged unlawfully to claim, or to usurp, any office, franchise, or liberty, or who has forfeited, or is alleged to have forfeited any franchise, by reason of non-user, or mis-user, thereof which have heretofore been instituted or taken by writ of *quo warranto*, or by information in the nature of a writ of *quo warranto*, hereafter shall be instituted and taken, where the proceeding is by the Attorney-General ex officio without a relator, by notice of motion; and, where the proceeding is taken at the instance of some person as relator

Quo warranto, writ of, superseded in certain cases, — proceedings in lieu of.

Motion, or
order *nisi*.

relator, by order *nisi*, calling on the person against whom the proceeding is taken to show cause why he unlawfully exercises, or usurps, such office, franchise, or liberty.

Where relator
named, pro-
ceedings how
framed.

12. Where the proceeding is at the instance of a relator it shall be taken in the name of His Majesty on the relation of such person, and such person shall, before making the application for an order *nisi*, give security for the due and effectual prosecution thereof, in like manner as nearly as may be and in the like amount as is, according to the practice of the High Court of Justice, required to be given on an application to the said Court to quash a conviction or order made by a Justice of the Peace, or in such manner and amount as the said Court may direct.

Relator to
give security.

Issue may be
directed, or
injunction,
etc., granted.

13. The Court may, if in its discretion it seems meet, direct an issue for the trial of the matters in question on any such application, and may grant an injunction, or a mandatory order, in aid of the proceedings, or for the purpose of enforcing the judgment or order which shall be pronounced hereon.

Practice, and
appeals.

14. The practice and procedure, including the right of appeal, shall be, in all other respects, in accordance with the ordinary practice and procedure of the High Court of Justice.

Municipal and
school officers.

15. Where it is intended to call in question the right of any person claiming to be a Municipal officer, or an officer of a School Corporation, to the office which he claims to hold, exercise, or occupy, as such officer, or the right of a member of any School Board, or School Corporation, to have, hold, or enjoy, any office, either as a member of such Board, or Corporation, or otherwise under the School Laws of this Province, and the provisions of section 16 of this Act do not apply to the trial and determination of such question, the matter shall be tried and determined by the Judge of the County Court of the County in which the duties of the office are to be performed, in a summary manner, and the proceedings shall be the same, as nearly as may be, as those provided for trying and determining a complaint respecting the validity or mode of conducting the elections of school trustees in an urban municipality, excepting that such Judge shall have the same power to award costs, in his discretion, to either party to the proceedings as he would have if the same were a proceeding in the County Court.

Where other
special statu-
tory provision,
this Act not
to apply.

16. Nothing in the five preceding sections contained shall apply to, or affect, the proceedings in cases for which special provision is made by the Municipal or School laws of this Province, but in all such cases the proceedings shall be instituted and taken in the manner provided by the said Acts, and not otherwise.

No entry by
Crown after

17. No entry, distress, or action, information, or other proceeding, shall hereafter be made, filed, or brought, on behalf of

His

His Majesty, against any person for the recovery of, or respecting, any lands, tenements or hereditaments, or for or concerning any revenues, rents, issues or profits thereof, but within sixty years next after the right to make such entry, distress, or make, bring, or file, such action, information, or proceeding, shall have first accrued to His Majesty.

sixty years
from time
right accrued.

18. In the construction of this Act, the right to make an entry or distress, or bring, or file, or commence, an action, information, or other proceeding, shall be deemed to have first accrued as hereinafter mentioned.

When right of
entry to be
deemed to
have first
accrued.

(i) Where land or rent is claimed, if His Majesty shall have been in possession or in receipt of such land or rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession, or discontinuance of possession, or at the last time when such rents or profits were received.

Land or rent.

(ii) When the estate or interest claimed by His Majesty shall have been an estate or interest in reversion, or remainder, or other future estate or interest, and His Majesty shall not have obtained possession, or receipt of the profits, of such land, or the receipt of such rent, such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession.

Reversion or
remainder

(iii) When any right to make an entry, or distress, or to bring, file, or commence, an action, information, or other proceeding, to recover any land, or rent, by reason of any forfeiture or condition, shall have first accrued in respect of any estate or interest to which His Majesty is entitled in reversion, or remainder, and the land, or rent, shall not have been recovered by virtue of such right, the right to make an entry or distress, or bring an action to recover such land, or rent, by His Majesty, shall be deemed to have first accrued in respect of such estate or interest at the time when the same became an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Forfeiture.

(iv) When any acknowledgment in writing of the title of His Majesty to any land, rent, revenues, rents, issues or profits, shall have been given to him or his agent, signed by the person in possession of, or in receipt of, such land, or the rents, issues or profits thereof, or liable to pay such revenue due to His Majesty, the right to make an entry, or distress, or bring, file, or commence, an action, information, or other proceeding, to recover any such land, rent, issues, profits or revenue, as against the person giving such acknowledgment, or any person claiming under him, shall be deemed to have first accrued at, and not before, the time when such acknowledgment, or the last of such acknowledgments, if more than one, was given.

Where ac
knowledg-
ment is given.

Waste lands
excepted.

19. Sections 17 and 18 of this Act shall not apply to any waste lands of the Crown.

Rev. Stat.
c. 133, s. 2,
application of.

20. Section 2 of *The Real Property Limitations Act* shall extend to sections 17 and 18 as far as applicable.

Debts due to
Crown or to
Crown debtors
recoverable by
like process as
between
subjects.

21. Revised Statute of Ontario, Chapter 113, is hereby amended by adding thereto the following section.

5. (1) All debts due to the Crown, or to Crown debtors, shall be recoverable by the like process, remedies, and proceedings, as debts between one subject and another (not being a Crown debtor) are recoverable and no other.

33 Hen. 8,
c. 39. A. G. v.
Clarkson, 15
Ont. 632; 16
Ont. App. 209.
Norwich vs
A. G. 2 E. &
A 541.

(2) Writs of extent, and writs of extent in aid, and all other prerogative process for the recovery of debts due to the Crown, or to Crown debtors, are hereby abolished.

(3) All statutes inconsistent with the provisions of this section are repealed.

Sale of
distress,
not till expira-
tion of five
days, and ap-
praisement.

22. The first section of the Statute passed in the 2nd year of the reign of their late Majesties King William and Queen Mary, 2nd session, chapter five, is repealed as far as the same is operative in this Province and the following substituted therefor: "Where any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the tenant, or owner of the goods so distrained, shall not, within five days next after such distress taken and notice thereof (with the cause of such taking) left at the dwelling house, or other most notorious place on the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the sheriff according to law, then, in such case, after such distress and notice as aforesaid, and expiration of the said five days, the person distraining shall cause the goods and chattels so distrained to be appraised by two appraisers, who shall first be sworn before a justice of the peace, or any other officer or person authorized to administer an oath, to appraise the same truly, according to the best of their understandings (a memorandum of which oath is to be indorsed on the inventory), and, after such appraisement, the person so distraining may lawfully sell the goods and chattels so distrained for the best price which can be got for the same, towards satisfaction of the rent for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement, and sale, and shall hold the overplus (if any) for the owner's use, and pay the same over to him on demand."

SCHEDULE.

This schedule, so far as it relates to the Imperial Statutes, is to be read as referring to the Revised Edition of the Statutes prepared under the direction of the Imperial statute law committee of the United Kingdom, as to statutes included in that edition. The chapters of the statutes (before the division into separate Acts) are described by the marginal abstracts given in that edition.

- 3 Ed. 1, c. 25—Champerty by the King's officers.
- 3 Ed. 1, c. 26—Extortion by the King's officers.
- 3 Ed. 1, c. 27—Extortion by clerks of justices, etc.
- 3 Ed. 1, c. 28—Maintenance by officers of courts.
- 3 Ed. 1, c. 29—Deceits by pleaders.
- 13 Ed. 1, c. 37—Distress.
- 25 Ed. 1, c. 8—King's debtor.
- 25 Ed. 1, c. 10—Distress.
- 25 Ed. 1, c. 14—Amercements.
- 25 Ed. 1, c. 18—King's debtor.
- 25 Ed. 1, c. 30—Foreign merchants.
- 25 Ed. 1, c. 37—Observance of liberties.
- Stat. of Exchequer of uncertain date. Distress, (*See Imp. Rev. Stat* 1870, p. 125.)
- 1 Ed. 3, st. 2, c. 14—Maintenance.
- 4 Ed. 3, c. 7—Executors.
- 1 Ric. 2, c. 4—Penalties for maintenance.
- 8 Hen. 6, c. 9—Forcible entry.
- 11 Hen. 7, c. 12—An Acte to Admytt such psons as are poore to sue in formâ pauperis.
- 23 Hen. 8, c. 15—An Acte that the Defendaunt shall recov. costs ageinste the pleyntif, if the pt be nonsuited, or if the vdicte pass ageinste him.
- 32 Hen. 8, c. 9—Agenst maintenaunce and embracery, byeng of titles, etc.
- R. S. O. c. 224, s. 211, as to pretenced titles.
- 32 Hen. 8, c. 39—The Byll for the establishment of the Courte of Surveyors. (Substitute for this. See s. 21, of this Act.)
- 31 Eliz., c. 5—An Acte concerninge informers.
- 31 Eliz., c. 11—An Acte for explanacon or declaracon of the statute of, Octova Regis Henrici Sexti concerninge forcible entries and the indictments therupon to be found.
- 21 Jac. 1, c. 15—An Acte to enable judges and justices of the peace to geve restitucon of possession in certayne cases.
- 16 Car. 2, c. 7—An Act against disorderly and excessive gaming.
- 17 Car. 2, c. 7—An Act for more speedy and effectual proceedings upon distresses and avowries for rent.
- 29 Car. 2, c. 7—Better observation of Lord's Day, commonly called Sunday. (*See R. S. O. 246.*)
- 3 W. & M. c. 14—(Property appointed made assets for payment of debts.) (Substitute for this. See section 6 of this Act.)
- 4 W. & M. c. 16—An Act to prevent frauds by clandestine mortgages.
- 4 W. & M. c. 18—An Act to prevent malicious informations in the Court of King's Bench.
- 10 W. 3, c. 23 (or c. 17 in other editions)—An Act for suppressing of lotteries.
- 4 & 5 Anne, c. 3 (or c. 16 in other editions), s. 21—(Warranties). (Substitute for this. See section 7 of this Act.)
- 8 Anne, c. 18 (or c. 14 in other editions)—(—Arrears of rent,—Crown debt), ss. 4, 8.
- 9 Anne, c. 25 (or c. 20 in other editions)—(Mandamus, and Quo warranto), ss. 1, 2, 3, 4, 5. (Substitute for this. See sections 10-16 of this Act.)
- 8 Geo. 1, c. 2—An Act . . . for suppressing lotteries, denominated sales, and other private lotteries.

6 Geo. 2, c. 35—An Act . . . for enforcing the laws made against lotteries.

11 Geo. 2, c. 19, ss. 14, 15, 16, 17, 21, 22, 23. (Landlord and tenant.)

12 Geo. 2, c. 28—An Act for the more effectual preventing of excessive and deceitful gaming

13 Geo. 2, c. 19—An Act . . . for amending an Act made in the last session of Parliament intituled an "Act for the more effectual preventing of excessive and deceitful gaming." Sections 1, 2, 4, 6, 7, 9.

18 Geo. 2, c. 34—An Act to explain, amend and make more effectual the laws in being to prevent excessive and deceitful gambling; and to restrain and prevent the excessive increase of horse races.

19 Geo. 2, c. 37, s. 7—(Insurance action, payment into court.)

26 Geo. 2, c. 33—(Clandestine marriages.) Sections 8, 11. See R. S. O. c. 162, ss. 15, 16.

9 Geo. 3, c. 16—(Nullum Tempus Act.) (Substitute for this. See sections 17-20 of this Act.)

17 Geo. 3, c. 26—(Annuities.)

27 Geo. 3, c. 1—An Act to render more effectual the laws now in being for suppressing unlawful lotteries.

38 Geo. 3, c. 87, ss. 1, 2, 3, 4 and 5. (Administration of assets where executor out of the country.)

57 Geo. 3, c. 117—(Crown debts extent in aid.) (Substitute for this. See section 21 of this Act.)

Note.—The Imperial Statutes mentioned in this Schedule would, irrespective of this Act, be in effect repealed by virtue of the proposed *Act respecting the Imperial Statutes*, s. 4, on its becoming a law; but it was deemed advisable that the attention of the Legislature should be called to the effect of the consolidation of the Imperial Statutes, so far as the Acts in this Schedule are concerned.

CHAPTER 2

An Act respecting Mortmain and the disposition of
Land for Charitable Uses.*Assented to 13th March, 1902.*

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as "*The Mortmain, and Charitable Uses Act, 1902*," and shall be read as part of *The Mortmain and Charitable Uses Act*.

Short title.

Rev. Stat.
c. 112.

2. In this Act, unless the context otherwise requires,

Definitions.

(1) "Assurance," includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, incumbrance, devise, bequest, and every other assurance by deed, will or other instrument; and "Assure" and "Assuror" have meanings corresponding with assurance.

"Assurance."

(2) "Will" includes codicil.

"Will."

(3) "Land" includes tenements, and hereditaments, corporeal and incorporeal of whatever tenure, but not money secured on land, or other personal estate arising from, or connected with, land.

"Land."

(4) "Full and valuable consideration" includes such a consideration either actually paid upon or before the making of the assurance, or reserved or made payable to the vendor or any other person by way of rent, rent charge, or other annual payment, in perpetuity, or for any term of years, or other period, with or without a right of re-entry for non-payment thereof, or partly paid, and partly reserved, as aforesaid.

"Full and
valuable con-
sideration."
Imp. Acts 51-
52 Vict. c. 42.
s. 10; and 54-
55 Vict. c. 73,
s. 3.

PART I.

MORTMAIN.

3. Land shall not be assured to or for the benefit of, or acquired by or on behalf of any corporation in mortmain, otherwise than under the authority of a licence from His Majesty the King, or of a statute for the time being in force, and if any land is so assured, otherwise than as aforesaid, the land shall be forfeited to His Majesty from the date of the assurance, and His Majesty may enter on and hold the land accordingly.

Forfeiture on
unlawful
assurance or
acquisition in
mortmain.
Imp. Act 51-
52 Vict. c. 42,
s. 1.

Power to
Lieutenant
Governor
to grant
licences in
Mortmain.

Imp. Act 51-
52 Vict. c. 42
s. 2.

Saving for
rents and
services.

Imp. Act 51-
52 Vict. c. 42,
s. 3.

4. It shall be lawful for the Lieutenant Governor in Council, if and when, and in such form as, he thinks fit, to grant to any person or corporation a licence to assure in mortmain land in Ontario in perpetuity or otherwise, and to grant to any corporation a licence to acquire land in Ontario in mortmain, and to hold such land in perpetuity or otherwise.

5. No entry or holding by, or forfeiture to, His Majesty under this part of this Act, shall merge or extinguish, or otherwise affect, any rent or service which may be due in respect of any land to His Majesty, or any other lord thereof.

PART II.

CHARITABLE USES.

Charities,
definition of.

Imp. Act 51-
52 Vict. c. 42,
s. 13 (2).

6. The following shall be deemed to be valid charitable uses within the meaning of this Act, viz.: the relief of aged, impotent, and poor people; the maintenance of sick and maimed soldiers and mariners; the maintenance of schools of learning, free schools, and scholars in universities; the repair of bridges, ports, havens, causeways, churches, sea banks, and highways; the education and preferment of orphans; the relief, stock, or maintenance of houses of correction; provision for the marriages of poor maids; the support, aid and help of young tradesmen, handicraftsmen and persons in poor circumstances; the relief, or redemption, of prisoners or captives; and the aid or ease of any poor inhabitants, concerning payment of taxes; and any other purposes similar to those hereinbefore mentioned.

Conditions
under which
assurances
may be made
to charitable
uses.

7.—(1) Subject to the provisions of the Revised Statutes Chapter 112 and to the savings and exceptions contained in this Act, or any other Act of this Province, in force for the time being, every assurance of land to, or for the benefit of, any charitable uses, and every assurance of personal estate to be laid out in the purchase of land, to, or for the benefit of, any charitable uses, shall be made in accordance with the requirements of this Act, and unless so made shall be void.

(2) The assurance must be made to take effect in possession for the charitable uses to, or for the benefit of, which it is made, immediately from the making thereof.

(3) The assurance must, except as provided by this section be without any power of revocation, reservation, condition, or provision, for the benefit of the assurator, or of any person claiming under him.

(4) Provided that the assurance, or any instrument forming part of the same transaction, may contain all or any of the following provisions so, however, that they reserve the same benefits to persons claiming under the assurator, as to the assurator himself; namely,

- (i) The grant or reservation of a peppercorn, or other nominal rent.
- (ii) The grant or reservation of mines, or minerals.
- (iii) The grant or reservation of any easement.
- (iv) Covenants or provisions as to the erection, repair, position, or description, of buildings, the formation or repair, of streets or roads, or as to drainage, or nuisances, and covenants or provisions of the like nature for the use and enjoyment as well of the land comprised in the assurance as of any other adjacent or neighboring land.
- (v) A right of entry on non-payment of any such rent, or on breach of any such covenant, or provision.
- (vi) Any stipulations of the like nature for the benefit of the assuror, or of any person claiming under him.

(5) If the assurance is made in good faith on a sale for full and valuable consideration, that consideration may consist wholly or partly of a rent, rent charge, or other annual payment, reserved or made payable to the vendor, or any other person, with, or without, a right of re-entry for non-payment thereof.

Consideration, what it may consist of.

(6) If the assurance is of land, or of personal estate, not being stock in the public funds, then, unless it is made in good faith for full and valuable consideration, it must be made at least six months before the death of the assuror, including in those six months the days of the making of the assurance and of the death.

Where necessary to be made 6 months before death of grantor.

(7) If the assurance is of stock in the public funds, then, unless it is made in good faith for full and valuable consideration, it must be made by transfer thereof in the public books kept for the transfer of stock at least six months before the death of the assuror, including in those six months the days of the transfer and of the death.

Transfer of stock, when to be made.
Imp. Act, 51.
52 V. c. 42,
s. 4.

PART III.

EXEMPTIONS.

8.—(1) Provided always that notwithstanding anything in Parts I. and II. of this Act contained to the contrary, lands or personal estate to be laid out in the purchase of lands, may be assured to the extent, and for all or any of the purposes following, viz. :—

Assurances for a public park, school or museum.

- (a) For a park.
- (b) For a public museum.
- (c) For a school, or school house.

(i) If such assurance be by deed, and be made in good faith for full and valuable consideration, the same may be made free from any restriction imposed by this Act.

Assurance for value not subject to any restriction

(ii)

Voluntary
assurances.

(ii) If such assurance be not made for full and valuable consideration it must be made at least six months before the death of the assurator, but in the case of a will not made six months before the decease of the assurator, it shall suffice if such will be a reproduction in substance of a devise made in a previous will in force at the time of such reproduction, and which was executed not less than six months before the death of the assurator.

Quantity of
land which
may be con-
veyed by deed,

(iii) The quantity of land which may be assured, or for the purchase of which personal estate may be assured, by deed for full and valuable consideration for any of the purposes aforesaid is unlimited.

by will,

(iv) The quantity of land which may be assured by will, or for the purchase of which personal estate may be assured by will, is :—

for parks, 20
acres.
museums, 2
acres.
schools, 1 acre.

(a) For any one public park, not more than twenty acres.

(b) For any one public museum, not more than two acres.

(c) For any one school, or school house, not more than one acre.

(2) In this section

Definitions,
"park."

(i) "Public park" includes any park, garden, or other land, dedicated, or to be dedicated, to the recreation of the public;

"School."

(ii) "School" means a school, or department of a school, at which education is given, in literature, art, science or mathematics;

"School-
house."

(iii) "School house" includes the teacher's dwelling house, the playground (if any), and the offices and premises belonging to, or required for, a school;

"Public
museum."

(iv) "Public museum" includes buildings used, or to be used, for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical, inventions, instruments, models, or designs and dedicated, or to be dedicated, to the recreation of the public, together with any libraries, reading rooms, laboratories, and other offices and premises, used or to be used in connection therewith.

Imp. Act,
51-52 V. c. 42,
s. 6.

Assurances
for certain
universities,
colleges and
societies.

9. Section 7 of this Act shall not apply to the following assurances :

(1) An assurance of land, or personal estate to be laid out in the purchase of land, to or in trust for, any incorporated university, college or school in Ontario, or for the support and maintenance of the students thereof.

Imp. Act,
51-52 V. c. 42,
s. 7.

(2) An assurance, otherwise than by will, to trustees on behalf of any society, or body of persons (incorporated or unincorporated

porated) associated together for religious purposes, or for the promotion of education, art, literature, science, or other like purposes, of land not exceeding two acres, for the erection thereon of a building for such purposes, or any of them, or whereon a building used or intended to be used for such purposes, or any of them, has been erected, so that the assurance be made in good faith for full and valuable consideration.

PART IV.

SUPPLEMENTAL.

10. Any assurance of land, which is by this Act required to be made by deed, may be made by a registered disposition under the provisions of *The Land Titles Act*, or of any Act amending the same.

Adaptation of law to system of land registration.
Rev. Stat. c. 138.

11. Nothing in this Act shall affect the operation or validity of any charter or license in force at the passing of this Act enabling land to be assured or held in mortmain.

Savings for existing licenses, etc.

SUMMARY REMEDY FOR BREACH OF CHARITABLE TRUST.

12. In every case of a breach of any trust, or supposed breach of any trust, created for charitable purposes, or whenever the direction or order of a court shall be deemed necessary for the administration of any trust for charitable purposes, it shall be lawful for any two or more persons to present a petition to the High Court of Justice stating such complaint, and praying such relief as the nature of the case may require; and it shall be lawful for the said Court to hear such petition in a summary way, and upon affidavits, or such other evidence as shall be produced upon such hearing, to determine the same, and to make such order therein, and with respect to the costs of such applications, as shall seem just; and any order so made shall be subject to appeal as if made in an action.

In cases of breach of a charitable trust, etc., a petition may be presented to the High Court of Justice, and the same shall be heard in a summary way, and order made therein.

Imp. Act, 52 Geo. 3, c. 101, s. 1.

13. Provided always that every petition so to be preferred as aforesaid shall be signed by the persons preferring the same in the presence of, and shall be attested by, the solicitor or attorney concerned for such petitioners, and every such petition shall be submitted to, and be allowed by, His Majesty's Attorney-General for the Province, and such allowance shall be certified by him before any such petition shall be presented.

Petitions to be signed by petitioners, and certified by Attorney-General, etc.

Imp. Act, 52 Geo. 3, c. 101 s. 2.

14. The Acts specified in the schedule to this Act are hereby repealed, to the extent specified in the third column of that schedule.

Repeal.

SCHEDULE

SCHEDULE.

ACTS REPEALED.

NOTE.—This schedule is to be read as referring to the revised edition of the Imperial Statutes prepared under the direction of the Imperial Statute Law Committee.

The chapters of the statutes (before the division into separate Acts) are described by the marginal abstracts given in that edition.

Session and Chapter.	Title.	Extent of Repeal.
7 Edw. 1	Statut' de viris religiosis	The whole Act.
13 Edw. 1 c. 32	Remedy in case of mortmain under judgments by collusion.	The whole chapter.
18 Edw. 3 St. 3 c. 3.	Prosecutions against religious persons for purchasing lands in mortmain	The whole chapter.
15 Ric. 2 c. 5	St. 7 Edw. 1 de Religiosis. converting land to a church-yard declared to be within that statute. Mortmain, where any is seized of lands to the use of spiritual persons. Mortmain to purchase lands in gilds, fraternities, offices, commodities, or to their use	The whole chapter
23 Hen. 8 c. 10	An Act for feoffments and assurance of lands and tenements made to the use of any parish church, chapel or such like	The whole Act.
43 Eliz. c. 4	An Act to redress the mis-employment of lands, goods and stocks of money heretofore given to charitable uses.	The whole Act.
7 & 8 Will. 3 c. 37.	An Act for the encouragement of charitable gifts and dispositions	The whole Act.
9 Geo. 2 c. 36	An Act to restrain the disposition of lands whereby the same became unalienable	The whole Act.
52 Geo. 3 c. 101	An Act to provide a summary remedy in cases of abuses of trusts created for charitable purposes	The whole Act.
9 Geo. 4 c. 85	An Act for remedying a defect in the titles of land purchased for charitable purposes	The whole Act except as far as it affects ecclesiastical rights of property.

CHAPTER 3

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and two and for other purposes therein mentioned.

Assented to 17th March, 1902.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Honourable Sir Oliver Mowat, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand nine hundred and two ; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of four million and two hundred and seventy-six thousand and twenty-five dollars and fifty-six cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and two as set forth in Schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and three as set forth in Schedule B to this Act.

\$4,276,025.56
granted out of
the Consolidated Revenue
Fund for certain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Accounts to be
laid before the
Legislative
Assembly.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and two, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to

Unexpended
moneys.

to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE A.

SUMS granted to His Majesty by this Act for the year one thousand nine hundred and two, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Lieutenant-Governor's Office	\$ 3,805 00	
Attorney-General's Department	17,800 00	
Education Department	19,750 00	
Crown Lands Department	69,750 00	
Public Works do	30,950 00	
Treasury do	30,775 00	
Provincial Secretary's Department	20,200 00	
Inspection Public Institutions	18,000 00	
Audit, License and Justice Accounts	10,150 00	
Registrar-General's Branch	12,700 00	
Provincial Board of Health	8,050 00	
Department of Agriculture	19,560 00	
Insurance Branch	8,550 00	
Neglected Children's Branch	6,100 00	
Miscellaneous	12,500 00	
		\$288,640 00

LEGISLATION.

To defray expenses of Legislation \$133,100 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice \$452,048 94
EDUCATION

EDUCATION.

To defray expenses of:—

Public and Separate School Education	\$482,249 87	
High Schools and Collegiate Institutes	119,175 00	
Library and Museum	8,050 00	
School of Practical Science	30,150 00	
Public Libraries, Art Schools, Literary and Scientific	61,100 00	
Technical Education	15,000 00	
Miscellaneous	13,825 00	
Superannuated Public and High School Teachers	61,300 00	
		\$790,849 87

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.	\$101,729 00	
Asylum for the Insane, London	128,018 00	
Asylum for the Insane, Kingston	76,546 00	
Asylum for the Insane, Hamilton	125,017 00	
Asylum for the Insane, Mimico	75,558 00	
Asylum for Insane, Brockville	76,713 00	
Asylum for Senile Patients, Cobourg	30,858 00	
Asylum for Idiots, Orillia	62,718 00	
Central Prison, Toronto	62,450 00	
Ontario Reformatory for Boys, Penetan- guishene	26,550 00	
Institution for the Deaf and Dumb, Belleville.	45,634 00	
Blind Institute, Brantford.....	32,851 00	
Andrew Mercer Reformatory for Women and Refuge for Girls, Toronto	26,075 00	
		\$870,717 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration	\$4,825 00
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AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	\$230,526 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$187,755 69
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 8,700 00
Parliament and Departmental Buildings.....	40,740 00
Education Department (Normal School Build- ing.....	7,800 00

MAINTENANCE

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.—*Continued.*

Miscellaneous	3,750 00	
Normal School, Ottawa	4,900 00	
Normal School, London	2,900 00	
School of Practical Science	4,125 00	
Agricultural College	8,200 00	
Osgoode Hall	8,980 00	
		<hr/> \$90,095 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$ 7,707 00	
do Mimico	6,325 00	
do London	28,295 00	
do Hamilton	8,260 00	
do Kingston	10,000 00	
do Brockville	6,855 00	
do Cobourg	23,400 00	
Asylum for Idiots, Orillia	7,600 00	
Central Prison, Toronto	8,400 00	
Reformatory for Boys, Penetanguishene	4,450 00	
Reformatory for Females, Toronto	7,749 12	
Blind Institute, Brantford	2,800 00	
Deaf and Dumb Institution, Belleville	3,545 00	
Agricultural College and Experimental Farm, Guelph	35,800 00	
Normal and Model Schools, Toronto	1,150 00	
Normal and Model Schools, Ottawa	3,200 00	
Normal School, London	3,350 00	
School of Practical Science, Toronto	8,250 00	
School of Practical Science, New Building	100,000 00	
Osgoode Hall, Toronto	2,000 00	
New Parliament Buildings	900 00	
District of Algoma	4,600 00	
Thunder Bay District	1,300 00	
Muskoka District	2,000 00	
Parry Sound District	1,450 00	
Nipissing District	1,900 00	
Rainy River District	4,300 00	
Reformatory for Boys, Oxford	30,000 00	
		<hr/> \$325,586 12

PUBLIC WORKS.

To defray expenses of Public Works	\$93,401 00
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COLONIZATION ROADS AND MINING ROADS.

To defray expenses of Construction and Repairs	\$171,375 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$180,025 00
	Education

REFUNDS.

Education	\$ 1,000 00	
Crown Lands	18,500 00	
Municipalities Fund	486 64	
Land Improvement Fund	2,579 98	
	<hr/>	\$22,566 62

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$304,514 32
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UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses	50,000 00
Total estimates for expenditure of 1902	<hr/> \$4,196,025 56

SCHEDULE B.

SUM granted to His Majesty by this Act for the year one thousand nine hundred and two and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1903.....	\$80,000 00
Total.....	<hr/> \$4,276,025 56

CHAPTER 4

An Act to amend The Act respecting the Representation of the People in the Legislative Assembly.

Assented to 17th March, 1902.

Rev. Stat.,
c. 6, s. 1,
amended.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Electoral Dis-
trict of West
Algoma
divided into.

1. Section 1 of *The Act respecting the Representation of the People in the Legislative Assembly* is amended by striking out the words "ninety-three" in the third line thereof and substituting therefor the words "ninety-seven."

Electoral Dis-
trict of Port
Arthur and
Rainy River.

2.—(1) The present Electoral District of West Algoma shall be divided into two electoral districts to be called respectively the Electoral District of Port Arthur and Rainy River and the Electoral District of Fort William and Lake of the Woods, and each electoral district shall be represented in the Legislative Assembly by one member.

(2) The Electoral District of Port Arthur and Rainy River shall include the Town of Port Arthur, the Townships of McIntyre, Conmee, Marks, O'Connor, Strange, Lybster, Gillies, and Scoble, and that part of the Territorial District of Thunder Bay lying south of the said townships, and of a straight line drawn from the north west angle of the Township of Conmee to a point where the district boundary line between Thunder Bay and Rainy River districts is intersected by Niven's second base line, thence following the said base line westerly to the north-westerly angle of the Township of Bennett, thence northerly along Niven's fifth meridian line to a point where the same would be intersected by the production easterly in a straight line of the northerly boundary of the Township of McCrossen on the Lake of the Woods, thence along the said produced line westerly to the shore of the Lake of the Woods, thence south-westerly following the shore of the Lake of the Woods to the mouth of Rainy River together with and including all that portion of the territorial districts of Thunder Bay and Rainy River lying south of the hereinbefore described lines, together with the Townships of Ware, Gorham, McGregor, Dorion, McTavish Sibley, Lyon, Nipegon, Booth, Purdom and Ledger, including also that portion of the territorial district of Thunder Bay to the east.

east and north-east and south-east of a line drawn due north from the north-west corner of the Township of Ware to the Albany River, and including also the islands in Lake Superior north of the international boundary from Pigeon River easterly to the production southerly of the eastern boundary of the Territorial District of Thunder Bay, saving and excepting the islands forming part of the Municipality of Neebing.

(3) The Electoral District of Fort William and Lake of the Woods shall consist of the Town of Fort William and the Indian Reserve to the south thereof, the Town of Rat Portage, the territory comprised in the Municipality of Neebing, the Township of Oliver and the whole of the Territorial Districts of Thunder Bay and Rainy River not included in the Electoral District of Port Arthur and Rainy River as hereinbefore described.

Electoral District of Fort William and Lake of the Woods.

3.—(1) The present Electoral District of East Algoma shall be divided into three electoral districts to be called respectively the Electoral District of Sault Ste. Marie, the Electoral District of Manitoulin and the Electoral District of Algoma and each electoral district shall be represented in the Legislative Assembly by one member.

Electoral District of East Algoma divided.

(2) The Electoral District of Sault Ste. Marie shall include that portion of the Territorial District of Algoma including the Town of Sault Ste. Marie and bounded on the west by the westerly boundary of the said territorial district and Lake Superior, on the north by and including the townships numbered 67, 66, 63, 62, 61, 60, 59, 58, 50 and the northerly boundary line of 50 produced easterly until it intersects Speight's meridian line produced northerly, on the east by Speight's meridian line and its production northerly and the line of the east boundary of the Townships of Hodgins and Anderson until such line intersects the northern boundary of the Garden River Indian reserve, thence easterly along the north boundary of the said reserve to the north-east angle thereof, thence southerly along the easterly boundary thereof to the north-east angle of the Township of Meredith, thence westerly along the northerly boundaries of the Townships of Meredith and Macdonald to Echo River, thence down Echo River to Lake George, the said Electoral District being bounded on the south by Lake George and River St. Mary, together with any islands in the River St. Mary and Lake Superior adjoining the said electoral district.

Electoral District of Sault Ste. Marie.

(3) The Electoral District of Manitoulin shall consist of the Great Manitoulin Island, Cockburn Island and other islands in Georgian Bay at present forming part of the Territorial District of Manitoulin, and that portion of the present Territorial Districts of Manitoulin and Algoma on the mainland east of the east boundaries of the Townships of McKinnon, Hallam, Shakespeare, Dunlop and Bigelow, and south of the north boundaries of the Townships of Vernon, Totten, Trill, Fairbank, Creighton and Snider.

Electoral District of Manitoulin.

Electoral District of Algoma.

(4) The Electoral District of Algoma shall include that portion of the Territorial District of Algoma not included in the Electoral Districts of Sault Ste. Marie and Manitoulin as hereinbefore described, but including St. Joseph's Island.

Electoral District of Nipissing divided.

4.—(1) The present Electoral District of Nipissing shall be divided into two electoral districts to be called respectively the Electoral District of East Nipissing and the Electoral District of West Nipissing, and each electoral district shall be represented in the Legislative Assembly by one member.

Electoral District of West Nipissing.

(2) The Electoral District of West Nipissing shall consist of that portion of the Territorial District of Nipissing bounded on the south by the south boundary of the Territorial District of Nipissing through French River and Lake Nipissing, on the east by the easterly boundary of the Township of Springer, thence easterly along the northerly boundary of the Indian Reserve to the south east angle of the Township of Grant, thence northerly along the easterly boundaries of the Townships of Grant, Fell, McLaren and the unnamed townships immediately north of the said Township of McLaren; on the north by the north boundaries of the unnamed townships immediately north of the said Township of McLaren, and the Townships of McCallum, Hobbs, Pardo and McNish, then north to the north east corner of the Township of McCarthy, then west along the north boundaries of the Townships of McCarthy and Mackelcan to the northwest angle of the Township of Mackelcan, then north six miles in a continuation of the boundaries between the Townships of Aylmer and Mackelcan, thence west to the northeast angle of the Township of Creelman, and thence along the north boundary of the Township of Creelman to the west boundary of the District of Nipissing, the said electoral district being bounded on the west by the west boundary line of the Territorial District of Nipissing.

Electoral District of East Nipissing.

(3) The Electoral District of East Nipissing shall consist of that portion of the present Territorial District of Nipissing not included in the said Electoral District of West Nipissing as hereinbefore described, together with the Townships of Clara, Maria and Head which are hereby transferred from the Electoral District of North Renfrew, saving and excepting however the Townships of Airey, Murchison, Dickens, Sabine and Lyell, which are hereby transferred to the Electoral District of North Hastings.

Application of provisions as to voters' lists and polling places.

5. All enactments with regard to voters' lists, or to elections, or to polling places at elections, in force in the present electoral districts formed out of unorganized territory shall apply *mutatis mutandis* to the electoral districts created by this Act.

Polling places in unorganized territory.

6. Polls shall be opened and held at an election in the said electoral districts in each of the unorganized municipalities in accordance

accordance with the provisions of *The Ontario Election Act*, and in such municipalities one of such polls shall be opened at or near the place where the last municipal election was held, and polls shall also be held for the respective electoral districts at the polling places named in section 61 of the said Act which are situated in the said districts respectively or at such other places as the Lieutenant-Governor may from time to time direct.

CHAPTER 5.

An Act to amend The Voters' Lists Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.
7, s. 52, re-
enacted by
62 V. (2nd
Sess.) c. 3, s. 3,
amended.

When voters'
list to be pre-
pared when
made up by
wards.

1. Section 52 of *The Ontario Voters' Lists Act* as re-enacted by section 3 of the Act passed in the sixty-second year of the reign of Her Late Majesty Queen Victoria, and chaptered 3, is amended by striking out the words "within fifteen days after the final revision of," in the first line and by inserting in lieu thereof the following words :—"Immediately after the return by the assessor or assessors of;" and by adding after the word "ward" where it secondly occurs in the second line thereof the following words, "and without waiting for the revision and correction of the said roll by the court of revision or the judge."

Rev. Stat. c.
7, s. 56, re-
enacted by
62 V. (2nd
Sess.) c. 3, s. 3,
amended.

When roll is
not finally re-
vised before.

2. Section 56 of the said Act as so re-enacted is amended by adding at the end thereof the following words :—"In case the assessment roll of such city is not finally revised before the final revision, correction and certifying of the voters' lists by the judge and upon appeal to the judge from the court of revision alterations are made by the judge in the assessment roll affecting the right of any person to be entered on the voters' list, the judge shall forthwith after the final revision of the roll make out a list of such alterations and deliver the same to the clerk, and the clerk shall make the corresponding changes in the certified copies of the revised voters' list and the judge shall initial the same. A copy of the said list of alterations shall be posted up by the clerk in his office."

CHAPTER 6.

An Act to amend The Manhood Suffrage Registration Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 5 of *The Manhood Suffrage Registration Act* is amended by striking out in the second line thereof the word "division" and substituting therefor the words "Electoral District." Rev. Stat.
c. 8, s. 5,
subs. 4,
amended.

(2) Subsection 4 of section 8 of the said Act is amended by striking out the words "and the clerk of the County Court" in the third line thereof, and substituting therefor the words "the Local Master of the High Court; and when there is but one judge of the County Court of Carleton the clerk of the County Court of the County of Carleton shall be *ex-officio* a member of the Board." Rev. Stat.
c. 8, s. 8,
subs. 4,
amended.

(3) Section 22 of the said Act is amended by striking out the word "dissolution" in the fourth line thereof and substituting therefor the words "date of the writs for holding the general election"; and by striking out the word "groups" in the ninth line thereof and substituting therefor the words "Registration Districts." Rev. Stat.
c. 8, s. 22,
amended.

(4) Subsection 8 of section 27 of the said Act is amended by striking out in the eleventh line thereof all the words after the word "shall" and substituting therefor the words "certify at the end of each such book as required by section 38." Rev. Stat.
c. 8, s. 27,
subs. 8.

(5) Subsection 2 of section 30 of the said Act is amended by inserting after the words "and the" in the fourth line thereof the words "Clerk of the Peace shall forthwith furnish a copy thereof to the" and inserting after the word "officer" in the said fourth line the word "who." Rev. Stat.
c. 8, s. 30,
subs. 2.

(6) Section 31 of the said Act is amended by inserting after the words "for the" in the sixth line thereof the words "removal from the registration booth or for the." Rev. Stat.
c. 8, s. 31,
amended.

(7) Section 36 of the said Act is amended by inserting after the word "day" in the second line of the said section the words "or at the proper hour." Rev. Stat.
c. 8, s. 36,
amended.

Rev. Stat.
c. 8, s. 51,
subs. 1,
amended.

(8) Subsection 1 of section 51 of the said Act is amended by striking out all the words after the word "each" in the second line, to and inclusive of the word "registrar" in the fourth line thereof and substituting therefor the words "registrar for each day on which he holds a sitting for the registration of Manhood Suffrage voters."

Rev. Stat.
c. 8, s. 24,
subs. 2,
amended.

2. Subsection 2 of section 24 of the said Act as enacted by section 6 of *The Act to amend The Manhood Suffrage Registration Act*, 61 Victoria, chapter 4, is amended by inserting after the word "Canada" in the third line thereof the words "or by the last assessors' enumeration."

Rev. Stat.
c. 8, s. 22,
amended.

3. Clause *a* of section 22 of *The Manhood Suffrage Registration Act* as amended by section 24 of *The Act to amend The Statute Law*, passed in the 62nd year of the reign of Her late Majesty, chapter 11 is amended by inserting after the word "last" in the second line thereof the words "Census of Canada, or the last."

Rev. Stat. c. 8.
Forms 9 and
10 repealed.

4.—(1) Forms 9 and 10 appended to this Act are severally substituted for Forms 9 and 10 appended to *The Manhood Suffrage Registration Act*.

Bribery clause
not to be
inserted in
oath unless
asked for.

(2) Paragraph A appearing in the said Forms shall not be inserted in the oath administered unless an agent for a candidate or political organization present under section 33 desires it to be inserted, or the registrar deems its insertion expedient.

Marking
clause when
used or
omitted.

(3) The registrar shall append his signature above paragraph A where it is omitted from the oath as administered, and under paragraph A where it has been inserted as part of the oath administered.

Law clerk to
consolidate
Act for
distribution.

5. The Law Clerk of the Legislative Assembly is authorized to consolidate this Act with *The Manhood Suffrage Registration Act* and the subsequent Acts above referred to as amended herein, for the purposes mentioned in section 52 of the first mentioned Act.

Rev. Stat.
c. 8, s. 5,
subs. 1,
amended.

6.—(1) Subsection 1 of section 5 of the said Act is amended by adding at the end of the said subsection the words "or upon any dredge or steam shovel."

Rev. Stat.
c. 9, s. 11,
subs. 2,
amended.

(2) Subsection 2 of section 11 of *The Ontario Election Act* is amended by adding to the said subsection the words "or upon any dredge or steam shovel."

SCHEDULE.

FORM 9.

(Section 26.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER APPLYING FOR REGISTRATION IN THE POLLING SUB-DIVISION IN WHICH HE RESIDES.

1. You swear (a) that you name is (b)
and that you are by occupation a (c)
2. That you are a British subject, and are of the full age of 21 years.
3. That you have resided within this Province for the twelve months
next preceding the (d) day of 19 (e)
4. That you are now, and were on the said day, and for three month
next preceding the same, a resident of, and had your home in, thi
municipality.
5. That you now reside at (f)
6. That you are not as you believe entered on the revised list of
voters for this municipality to be used at this election, as entitled to vote
at both municipal elections and elections to the Legislative Assembly, nor
have you been entered, or registered, on any list of persons entitled to
vote at this election under which entry or registration you can vote in
any other municipality in the Province at this election, and you are as
you believe entitled to vote thereat. So help you God. (g)

.....
Registrar.

Where an agent for a candidate or political organization present under Section 33 desires this clause to be added or the Registrar deems such addition expedient, add :—

NOTE.—(a) If the applicant is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides if it has a street number, and if it has not then insert a brief description that will define its locality.

(g) Where paragraph A is omitted the Registrar will sign above this paragraph : where it is inserted he will sign below it.

And

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God. (g)

..... Registrar.

And in the cases of the cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral Districts, and in any municipality the several parts of which are situated in two or more Electoral Districts, add the following clause:—

7. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

FORM 10.

(Sections 6 and 26.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER ON APPLYING FOR REGISTRATION UNDER SECTION 6.

1. You swear (a) that your name is (b)
and that you are by occupation a (c)
£
2. That you are a British subject and are of the full age of 21 years.
3. That you have resided within this Province for the twelve months
next preceding the (d) day of 18 (e)
4. That you are now, and were on the said day, and for the three
months next preceding the same, a resident of, and had your home in,
this municipality.
5. That you now reside at (f)
6. That your name is entered on the revised voters' list for the municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly, but that you are not now entitled to vote at this election in respect of that qualification.

NOTES.—(a) If the applicant is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law, insert the words following, "except occasionally or temporarily, in the prosecution of your occupation (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution)."

(f) Insert here the street and number of the house where the applicant resides if it has a street number and if it has not then insert instead a brief description that will define its locality.

7 That save as aforesaid you have not been entered or registered on any list of persons or voters entitled to vote at this election under which entry or registration you can vote in any other municipality in the Province at this election and you are as you believe entitled to vote thereat. So help you God. (g)

.....
Registrar.

When an agent for a candidate or political organization present, under section 33, desires this clause to be added, or the Registrar deems such addition expedient, add :

A. That you have not received anything, nor has anything been promised you either directly nor indirectly, either to induce you to promise to vote or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team or any other service connected therewith. So help you God. (g)

.....
Registrar.

And in the cases of the cities of Toronto and Hamilton and of any other municipality which may hereafter be divided into two or more electoral districts and in any municipality the several parts of which are situated in two or more electoral districts, add the following clause :

8. That you are now and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

(g) Where paragraph *a* is omitted the Registrar will sign above this paragraph ; where it is inserted he will sign below it.

CHAPTER 7.

An Act to amend The Ontario Election Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c. 9
s. 43 subs. 1
amended.

1 Sub-section 1 of section 43 of *The Ontario Election Act* is amended by adding thereto the following words: "except when more than one polling place is provided for a polling subdivision."

Rev. Stat. c. 9
s. 43 amended.

2. The said Act is amended by adding to section 43 the following subsections:—

Additional
polling places
to be provided
where voters
exceed 300.

(6) Where a polling subdivision contains more than three hundred voters the returning officer instead of subdividing such polling subdivision as directed by section 16 may provide separate and additional polling places according to the total number of voters on the proper list of voters for such polling subdivision, near to one another, for the polling of the votes in such polling subdivision, and so that not more than three hundred voters' names shall be on the list to be entered in the poll book for each polling place.

Division to be
according to
initial letter
of voters'
names.

(7) Each separate polling place shall be designated by the initial letters of the surnames of the voters on the list who are to vote in such polling place, in the following manner, that is to say, from A to K, and from L to R and from S to Z, or as may be determined upon by the returning officer.

Where voters
to vote.

(8) Every voter, the initial letter of whose surname is included within the letters of the alphabet designating a polling place and contained in the list in the poll book for the same, shall vote in the polling place so designated.

Appointment
of deputies for
additional
polling places.

(9) The returning officer shall appoint a deputy returning officer for each such polling place, and shall deliver to such deputy in due time a poll book containing the names of all voters on the proper list of voters for the polling subdivision whose surnames commence with the letters of the alphabet included within the letters by which such polling place is designated.

(10) Nothing in this section contained shall be held to relieve the council of a municipality from the duty of making a new division of the municipality, or any part thereof, into polling subdivisions, or redividing a subdivision as often as the number of qualified voters in a polling subdivision exceeds two hundred.

Municipalities
not relieved
from duty as
to polling
subdivisions.

3. Section 62 of the said Act is repealed and the following substituted therefor:—

Rev. Stat.
c. 9, s. 62,
repealed.

62. Polls shall be opened and held at an election in the Electoral Districts of Port Arthur and Rainy River, Fort William and Lake of the Woods, Sault Ste. Marie, Manitoulin, Algoma, West Nipissing and East Nipissing, in each of the organized municipalities in accordance with the provisions of this Act, and in such municipalities one of such polls shall be opened at or near the place where the last municipal elections was held, and polls shall also be held at such places as are provided in the preceding section, or at such places as the Lieutenant-Governor in Council may from time to time direct.

Polling places
in the
districts.

4. Section 84 of the said Act is amended by adding thereto the following subsection:—

Rev. Stat.,
c. 9, s. 84,
amended.

(1a.) Where a returning officer instead of subdividing a polling subdivision provides additional polling places under section 43 he shall deliver to the clerk of the peace as many blank poll books as may be necessary for such additional polling places, and the clerk of the peace shall enter or cause to be entered in each such poll book from the proper list of voters the name of every person appearing therefrom to be entitled to vote at the polling place for which such poll book is required.

Poll books for
additional
polling places.

5. Section 85 of the said Act is amended by inserting after the word "subdivision" in the fifth line of the said section the words "or at the polling place."

Rev. Stat.,
c. 9, s. 85,
amended.
a

CHAPTER 8.

An Act respecting a certain Drainage Debt of the Township of Sarnia.

Assented to 17th March, 1902.

Preamble

WHEREAS under an Act of the late Province of Canada, passed in the year 1857, the Corporation of the Township of Sarnia for the purpose of reclaiming lands covered by what was known as Lake Wawanosh and adjacent thereto, constructed a drain from the said Lake Wawanosh into Lake Huron at an expenditure of upwards of \$20,000; and whereas in the years 1867 and 1868 the further sum of \$10,000 was expended by the said corporation in making necessary improvements in the said drain, and whereas owing to the construction of drains in the Townships of Moore, Enniskillen, and Plympton having an outlet in the said drain in the Township of Sarnia, the capacity of the said last mentioned drain was overtaxed, causing the Corporation of the Township of Sarnia to be harassed by actions for damages; and whereas the said corporation of the Township of Sarnia applied to the Government of the Province of Ontario for the construction of works upon the said drain under *The Ontario Drainage Act*, and such works were constructed under the supervision of the Engineer of the Department of Public Works of Ontario, and the cost of such work was ultimately settled at the sum of \$28,000, to be paid by the said corporation to the Province in twenty annual instalments of \$2,112.80 each, and a further instalment of \$590.14, and whereas owing to the enlargement and extension of other drainage works having an outlet in the said drain in the Township of Sarnia, the same has proved entirely inadequate, and in the year 1888 a further sum of \$10,000, and in the year 1890 a still further sum of \$1,500 was expended upon the said drain; and whereas in the year 1894 it again became necessary to practically reconstruct the whole work in order to provide an efficient outlet, and the works then constructed have proved sufficient to carry off all the flood waters, and thus render large areas of land hitherto useless fit for cultivation, and free them from any danger of flooding, and whereas the main drainage works in the Township of Sarnia hereinbefore were constructed at a time when the law did not permit of the taxation of the higher lands for outlet to the same extent as at present, so that the adjoining townships and higher lands escaped a great part of the assessment to which they would be liable were the works to be constructed.

structed now, and thus a great portion of the burden of expenditure has been borne by the Township of Sarnia generally; and whereas a petition was in the year 1901 presented to the Lieutenant-Governor in Council setting forth that there remained of the said indebtedness to the Province only two instalments to be paid, that is to say an instalment of \$2,112.80 falling due in January, 1902, and an instalment of \$590.14 falling due in January, 1903, and that no part of the said indebtedness was in arrear, and praying to be relieved of the payment of the said instalments; and whereas upon an examination of the works and report by an engineer of the Public Works Department it appeared that had the said drainage works in the Township of Sarnia been constructed after the passing of *The Drainage Aid Act, 1900*, the said Township would have been entitled to apply for assistance under the said Act; and whereas an Order in Council was passed on the 19th day of December, 1901, cancelling the balance of the indebtedness of the Township of Sarnia amounting to \$2,802.94, subject to the confirmation of the said Order in Council by an Act of this Legislature; and whereas it is expedient that the said Order in Council should be confirmed and the said indebtedness cancelled;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Order in Council of the 19th December, 1901, is validated and confirmed, and the indebtedness of the Municipal Corporation of the Township of Sarnia to the Crown as represented by the Province of Ontario, in respect to the said instalments of \$2,112.80 and \$590.14 respectively, is declared to be cancelled, and it shall not be necessary for the Municipal Council of the said Township to pay the said instalments, nor to levy any further rates upon the lands assessed for the said work under *The Ontario Drainage Act* in respect of the said indebtedness, and the said Municipal Corporation of the Township of Sarnia and the said lands are declared to be wholly freed and discharged therefrom.

Order in Council confirmed and balance of township's indebtedness to Crown cancelled.

CHAPTER 9.

An Act to authorize the construction of the Temiskaming and Northern Ontario Railway.

Assented to 17th March, 1902.

Preamble.

WHEREAS exploration of the Province has shown that in that district of Ontario which lies between Lake Nipissing and Lake Abitibi and northwesterly from Lake Temiskaming there are large areas of arable land well fitted for settlement and extensive tracts of merchantable pine and other valuable timber, and deposits of ores and minerals which are expected, upon development, to add greatly to the wealth of the Province; and whereas the said district is now difficult of access from the lack of railway communication; and whereas an increasing number of settlers are taking up lands in portions of the said district; and whereas it is in the public interest that the said district should be, at as early a date as possible, brought into communication with existing lines of railway and that for this purpose a railway should be constructed and operated under the direction and control of the Province from a point at or near the Town of North Bay on Lake Nipissing to a point on Lake Temiskaming, or to a point in one of the townships adjacent thereto.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Temiskaming and Northern Ontario Railway Act.*"

Appointment and incorporation of commissioners.

2.—(1) The Lieutenant-Governor in Council may appoint not less than three nor more than five persons who shall constitute a Board of Commissioners for the purposes of the Railway to be constructed under the provisions of this Act and the said Board of Commissioners shall be a body corporate under the name of "The Temiskaming and Northern Ontario Railway Commission," hereinafter referred to as "the Commission;" and a majority of the persons so appointed shall form a quorum for the transaction of any business of the Commission.

Vacancies how filled.

(2) The commissioners shall hold their respective offices, as members of the Commission during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in

in Council may, upon the death of any such persons respectively, or on their resignation, or removal from office, and from time to time thereafter, appoint other persons to fill their places during pleasure as aforesaid.

(3) Each commissioner shall receive his actual disbursements in discharging his duties and an honorarium at the rate of \$1,000 per annum until otherwise provided by the Legislature.

Remuneration of commissioners.

3.—(1) The Commission shall, subject to any direction of the Lieutenant-Governor in Council, have authority to construct a continuous line of railway of the gauge of four feet eight and one-half inches, extending from a point at or near the Town of North Bay to a point on Lake Temiskaming or to a point in one of the townships adjacent thereto, together with electric telegraph and telephone line or lines through and along the whole line of the said railway and such branches and works as may be necessary for the efficient and convenient operation of the said railway and subject as aforesaid shall have authority to do all matters and things necessary to carry out the intentions and objects of this Act.

Commission to construct railway.

(2) The location of the line of the said railway and the plans of all works proposed and all tariffs or rates proposed to be charged for passengers and goods transported upon the said railway and all by-laws of the corporation shall be subject to the approval of the Lieutenant-Governor in Council.

Location of railway to be approved by Lieutenant-Governor.

(3) The Commission may subject to the approval of the Lieutenant-Governor in Council enter into agreements with other railway companies to provide and secure such reciprocal running powers, traffic arrangements, and other rights over and in respect of such railways, and the railway to be constructed under the provisions of this Act as will afford to any such railways, connecting with the said railway to be constructed, and to the said last mentioned railway, reasonable and proper facilities in mutually exercising such running powers, fair and reasonable traffic arrangements with connecting companies and equitable mileage rates between the said railway and all such connecting railways. Provided however that any lease by the Commission of the railway to be constructed under the provisions of this Act shall be subject to ratification by the Legislature of Ontario.

Traffic arrangements with railways.

4. The Lieutenant-Governor in Council may by order in Council transfer to the Commission so much of any of the ungranted lands of Ontario as is shown by the report of the engineer appointed under the provisions of this Act to be required for the said railway or for convenient and necessary sidings, yards, stations and other purposes for use in connection with the said railway and works; and the registration of a certified copy of any such order-in-council in the Registry Office

Right of way vested in Commission.

Office or Office of Land Titles as the case may be for the Registry District in which the lands are situate shall be deemed to vest and shall vest in the said corporation as trustees for the Province the lands described in such order-in-council.

Land grant
for railway.

5. To meet the cost of the construction, equipment and maintenance of the said railway the Lieutenant-Governor in Council may from time to time out of the ungranted lands of Ontario set apart a tier of townships on each side of and adjoining as far as practicable, the said railway, and other lands in the said District of Nipissing to an extent not exceeding in the aggregate 20,000 acres for each mile of the line of the said railway.

Account of
proceeds of
lands set
apart.

6. A separate and distinct account shall be kept by the Commissioner of Crown Lands of the proceeds of the sale of the said lands and the amount of such proceeds shall at the close of each financial year be paid over to the Provincial Treasurer to be by him applied as hereinafter provided in paying the sinking fund and interest of the debentures issued by the said Commission.

Commission-
ers to appoint
engineer, etc.

7.—(1) The Commission may from time to time, subject to the approval of the Lieutenant-Governor in Council, appoint an engineer and an accountant for the said railway and works and such other officers and employees as may be necessary for the proper conduct of the business of the corporation; and subject as aforesaid may prescribe their duties and fix their remuneration.

(2) Any person entrusted by the Commission with the custody or control of moneys, by virtue of his employment shall give security in the manner and form provided by *The Act respecting Public Officers*.

Rev. Stat.
c. 16.

Commission
to have
powers given
by the Rail-
way Act.

Rev. Stat.
c. 207.

8. The Commission, subject to any direction of the Lieutenant-Governor in Council, shall have in respect of the said railway and works in addition to all the powers, rights, remedies and immunities conferred by this Act all the powers, rights, remedies and immunities conferred upon any railway company by *The Railway Act of Ontario*.

To be built of
material made
and purchased
in Canada.

9. The said railway shall, as far as practicable, be constructed equipped and operated with railway supplies and rolling stock made, purchased or procurable in Canada, providing such railway supplies can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price.

Employment
of aliens.

10. No person shall be employed in the construction of the said railway and works in contravention of *The Alien Labor Act*

Act or the provisions of *The Railway Act of Ontario* respecting the employment of alien labor.

11. The workmen, labourers or servants employed in or about the construction and operation of the said railway and works shall be paid such rates of wages as may be currently payable to workmen, labourers and servants engaged in similar occupations in the district in which such railway and works are constructed and operated.

Payment of current rates wages to workmen.

12.—(1) For the purposes and objects intended to be secured by this Act the Commission may by the issue of debentures raise such sum or sums of money as shall be sufficient for the construction, equipment and maintenance of the said railway. The appropriation and application of such moneys shall be assured to the satisfaction of the Lieutenant-Governor.

Commission may issue debentures.

(2) The debentures shall be under the corporate seal of the Commission and the hands of at least two of the commissioners, and shall be countersigned by the Treasurer of the Province, and the same shall be in such currency and for such respective amounts payable on the expiration of not more than forty years from the date of issue and at such rate of interest not higher than three and a half per cent. per annum and shall be disposed of at such prices and on such terms as may be determined by the Commission and approved by the Lieutenant-Governor in Council. The interest shall be paid half-yearly on such days as shall be mentioned in the debentures.

Form of debentures.

(3) The debentures shall, equally and without preference of one over another, be a charge on the lands hereby set apart for the construction of the said railway and on all the revenues of the corporation from said lands or otherwise; and the Lieutenant-Governor by Order-in-Council may also guarantee payment of the principal and the interest of the said debentures.

Debentures to be a charge in lands set apart.

(4) The debentures so issued and countersigned shall be conclusive of the same having been issued in pursuance of this Act and of the same being guaranteed by the Province of Ontario.

(5) The debentures shall be transferable by delivery and the coupons for interest annexed thereto shall also pass by delivery.

How transferable.

(6) The said debentures or the money raised thereby shall be expended for locating, constructing, equipping, operating, maintaining and improving the said railway; for re-paying to the Province any expenses incurred with reference to the said railway; and for the current expenses of the Commission and of the said railway and for payment of interest on the said debentures until a sufficient revenue for the said purposes is obtained from the said railway.

Application of proceeds.

Application
of revenue.

13.—(1) The income of the Commission from the said railway and the income from the lands set apart as aforesaid shall be applied as follows :—

1st. To the necessary operating expenses of the said railway and of all works necessary to the preservation, improvement and maintenance of the said railway and to the payment of the remuneration and expenses of the Commission and the salaries of officers and others employed by the Commission and other incidental expenses.

2nd. To the payment half yearly of the interest payable on the debentures issued under the authority of this Act.

3rd. To provide a sinking fund at such rate per cent. per annum on the entire amount of the debentures issued as aforesaid as will discharge the principal of the said debentures at the maturity thereof.

4th. The portion (if any) of the income then remaining shall be paid over by the Commission to the Treasurer of Ontario at such times and in such manner as the Lieutenant-Governor in Council directs and shall thereupon form part of the Consolidated Revenue Fund of the Province.

Application of
the Sinking
Fund.

(2) The annual sums for the sinking funds shall in like manner be paid over by the commissioners to the treasurer for Ontario by half-yearly payments for the investment and accumulation thereof under the direction of the Lieutenant-Governor in Council.

Investment of
sinking fund.

(3) The sinking fund shall be invested in such securities as the Lieutenant-Governor in Council from time to time thinks proper, and shall, whether invested or not, be applied from time to time under the direction of the Lieutenant-Governor in Council in discharging the principal and the interest thereon of the debentures.

Commission
to keep
accounts.

14.—(1) The Commission shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid, and of the several purposes for which the same were received and paid ; which books shall at all times be open to the inspection of any member of the Commission, and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor ; and any member of the Commission and any of the persons aforesaid may take copies of or extracts from the said books.

Annual re-
port.

(2) The Commission shall make an annual report for the information of the Legislature, setting forth the receipts and expenditure of the year and such other matters as may appear to them to be of public interest in relation to the said railway
and

and works, or as the Lieutenant-Governor in Council may direct.

(3) Sections 24 to 27 of *The Act to provide for the better Auditing of the Public Accounts of the Province* shall apply to the accounts of the Commission in respect of receipts and expenditures.

Rev. Stat.
c. 23, ss. 24 to
27, to apply.

15. No member of the Commission, nor any officer or employee thereof, shall have any contract with the Commission, or shall be pecuniarily interested directly or indirectly in any contract or work in regard to which any portion of the moneys under the control of the Commission is being or is to be expended.

Commission-
ers and
officers not to
contract with
commission.

CHAPTER 10.

The Agriculture and Arts Amendment Act, 1902.

Assented to 17th March, 1902.

- Short title. **1.** This Act may be cited as *The Agriculture and Arts Amendment Act, 1902*, and shall be read with and as part of *The Agriculture and Arts Act*.
- Rev. Stat.
c. 43. **2.** Section 32 of *The Agriculture and Arts Act* is amended by striking out the words "The Poultry Association of Ontario" in the tenth line and by substituting therefor the words "The Western Poultry Association;" and by striking out the words "and Pet Stock" in the eleventh line.
- Rev. Stat.
c. 43, s. 32. **3.** Sub-section 5 of section 33 of the said Act is repealed and the following substituted therefor :
- Poultry Association. (5) The Eastern Ontario Poultry Association shall elect one director from each of the divisions numbered 1, 2, 3, 4, 5, 6, and 13 in Schedule A.
- Rev. Stat.
c. 43, s. 33,
subs. 5,
repealed. **4.** Sub-section 6 of section 33 of the said Act is repealed and the following substituted therefor :
- Election of
directors by
Eastern Ontario Poultry Association. (6) The Western Ontario Poultry Association shall elect one director from each of the divisions numbered 6, 7, 8, 9, 10, 11, 12, and 13 in Schedule A.
- Rev. Stat.
c. 43, s. 33,
subs. 6,
repealed. **5.** Sub-section (2) of section 37 of the said Act is repealed.
- Election of
directors by
Western Ontario Poultry Association. **6.** Section 19 of the said Act is amended by striking out the word "September" in the first line, and by substituting the word "August" therefor.
- Rev. Stat.
c. 43, s. 37,
subs. 2,
repealed. **7.** Section 46 of *The Agriculture and Arts Act* is amended by adding thereto the following :
- Rev. Stat.
c. 43, s. 19,
amended. (a) The formation of Women's Institutes for the purpose of improving rural home life, and of imparting information in regard to women's work upon the farm, shall be permitted under this Act.
- Women's Institutes. **8.** Section 47 of the said Act is amended by adding thereto the following :
- Rev. Stat.
c. 43, s. 47,
amended. (a) The Lieutenant-Governor in Council may, upon the recommendation
- Rules respecting Women's Institutes.

commendation of the Minister, adopt rules and regulations in regard to the organization of Women's Institutes, the general guidance or direction of such institutes, their relation to the Farmers' Institutes and the Department of Agriculture, and the grants of money to which they shall be entitled, with the conditions for payment of the same.

9. Subsection (2) of section 10 is amended by adding thereto the following:

Rev. Stat.
c. 43, s. 10,
subs. 2,
amended.

(a) The annual meeting of any society shall be held at such place within the municipality for which the society is organized as may be decided upon by resolution of the society, or, in the event of the society not having passed such a resolution on or before the first day in December in any year, by a majority of the directors present at a meeting regularly called for that purpose.

Annual meet-
ing, where to
be held.

CHAPTER 11.

An Act to approve and confirm an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and The Canadian Niagara Power Company.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
with Canadian
Niagara
Power Co.
confirmed.

1. The agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Canadian Niagara Power Company, dated the 19th day of June, one thousand nine hundred and one, a copy of which is contained in the schedule hereto, is hereby approved, ratified and confirmed, and declared to be binding on the parties thereto, and the Commissioners and the Company respectively may do whatever is necessary to give effect to the substance and intention of the said agreement.

Act passed in
pursuance of
agreement.

2. This Act is passed in fulfilment of the provisions of sub-section (e) of paragraph 1 of the said agreement.

AGREEMENT.

This Agreement made this nineteenth day of June, 1901, between the Commissioners for the Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario and hereinafter called the Commissioners of the first part, and the Canadian Niagara Power Company hereinafter called the company of the second part :

Now these presents witness and subject to approval and ratification by the Legislature of the Province of Ontario at its next session of the provisions hereinafter contained, it is hereby agreed by the parties hereto :

1. That the period of time for the completion of the works specified by paragraph 10 of the Agreement of 7th April, 1892, made by and between the Commissioners for the Queen Victoria Niagara Falls Park, acting therein on their own behalf and with the approval of the Government of the Province of Ontario and thereafter called the Commissioners of the first part, and Albert D. Shaw, of Watertown, in the State of New York, Francis Lynde Stetson and William B. Rankine of the City of New York, in the State of New York, hereinafter called the Company of the second part,

part, and paragraph 6 of the Agreement of 15th July, 1899, made by and between the parties to these presents, be extended to the first day of July, 1904 :

Provided :

(a) That the company shall satisfy the Commissioner of Public Works for Ontario that before the first day of July, 1902, the company has actually expended within Ontario the sum of \$250,000 in work and materials laid out in excavation, and in the foundations and erection of buildings in accordance with plan A annexed to the afore-mentioned agreement of 15 July, 1899, and the specifications relating thereto : and provided that the Commissioner of Public Works may allow the machinery and plant then on the ground according to its value as the said Commissioner of Public Works may determine as part of the said sum of \$250,000 to be actually expended as aforesaid :

(b) And further, that the company shall on or before the 1st day of July, 1902, satisfy the Commissioner of Public Works for Ontario that it has expended, or has contracted to expend, upon the said works for labour, material, plants, building, and machinery (including the work and materials mentioned in clause (a) of this agreement) to be respectively delivered executed and performed, or contracted so to be, on or before the 1st day of July, 1903, at least the sum of \$1,500,000, the said works to be constructed in accordance with the plan attached to the aforementioned agreement of the 15th July, 1899, and the specifications relating thereto (as varied by the contract bearing even date herewith) and all such contracts as aforesaid to be produced to the said Commissioner of Public Works, and verified copies thereof filed with the Commissioner of Public Works, on or before the said 1st day of July, 1902.

And it is also agreed that the amounts actually expended or contracted for by the company within the said several respective periods, shall be determined by the Commissioner of Public Works for Ontario, whose decision shall be final, and the company shall furnish to such commissioner all such information as he shall require in the premises for the purpose of making such determination :

And should the company for any reason refuse or neglect to furnish such commissioner such information as aforesaid, the commissioner may proceed to make such determination on any ground he may think proper :

(c) Provided further, that if the company shall make default under any or either of the next preceding two paragraphs hereof, or in the event of the company not having made such progress with the said works on or before the first day of July, 1904, as to have on or before that date completed water connections for the development of 50,000 horse-power, and to have on or before that date an outflow tunnel sufficient for not less than 100,000 horse-power, and to have on or before that date actually ready for use, supply and transmission 20,000 electrical horse-power, the Lieutenant-Governor in Council may declare the agreements of the 7th April, 1892, and of 15th July, 1899, and the liberties, licenses, powers and authorities granted by the same, and by any or all of them, to be forfeited and void, and thenceforth after such declaration the same shall cease and determine, and be utterly void and of no effect whatever.

(d) And provided further, that the company at the time of the sealing and delivery of these presents, deposits the sum of twenty thousand dollars to the credit and in the names of the Chairman of the Commissioners of the Queer. Victoria Niagara Falls Park, and Wallace Nesbitt, to be accompanied by a letter addressed to the bank and signed by the said persons, to the effect that the said sum of money is to be paid by the bank to the commissioners on the production of a letter or certificate, signed by the Commissioner of Public Works for Ontario, of a determination by him, the said commissioner, that the sum of \$250,000 was not actually expended by the company according to the provisions and within the terms, definitions and limitations of clause (a) of this agreement on or before the first day of July, 1902, in work and materials laid out in excavation,

vation,

vation, and in the foundations and erection of buildings in accordance with the Plan A annexed to the aforementioned agreement of 15th July, 1899, and the specifications relating thereto, or that the company has not on or before the 1st day of July, 1902, satisfied the said Commissioner of Public Works for Ontario that it has expended or has contracted to expend upon the said works for labour, material, plants, building and machinery (including the work and materials mentioned in clause (a) of this agreement as agreed to be done by the 1st day of July, 1902), to be respectively delivered, executed and performed on or before the 1st day of July, 1903, at least the sum of \$1,500,000, the said works to be constructed in accordance with the plan attached to the aforementioned agreement of 15th July, 1899, and the specifications relating thereto (as varied by the contract bearing even date herewith) and all such contracts as aforesaid to be produced to the said Commissioner of Public Works, and verified copies thereof filed with the Commissioner of Public Works, on or before the 1st day of July, 1902 :

Provided that unless such letter or certificate to the effect aforesaid be signed and presented to the said bank on or before the first day of September, 1902, the said sum of \$20,000 shall revert to the company ;

And provided further, that upon the said letter or certificate being signed by the Commissioner of Public Works to the effect aforesaid on or after the first day of July, 1902, the said sum shall become the property of the commissioners, the parties hereto of the first part, freed from any claim thereto by the company.

And it is hereby further agreed by and between the parties hereto, that they will use their best endeavours to procure, and either party hereto may apply to the legislature of Ontario at its next session, for an Act of the legislature approving and confirming this agreement, and declaring it to be in accordance with the intentions of both parties that any payments of rents made to and accepted and received by the commissioners after 1st July, 1902, and any variations made by this agreement in the terms and provisions of the said agreement of 7th April, 1892, and of 15th July, 1899, shall in no way be any waiver of the right of the Lieutenant-Governor-in-Council to declare the said agreements void in accordance with the provisions in paragraph 10, of the agreement of 7th April, 1892, or of paragraph 6 of the agreement of 15th July, 1899, in case of default by the company hereunder, in the event or events provided by paragraph (c) hereof.

Provided always, that in the event of such legislation not being obtained at the said next session of the Legislature of Ontario, approving and confirming this Agreement, then these presents shall, in so far as the same purport to extend the time within which, under the Agreements of 7th April, 1892, and 15th July, 1899, the company was bound to complete the said works, be utterly null and void, and the said company shall be and remain subject to the powers of the Lieutenant-Governor in Council to declare the Agreement of 7th April, 1892, as varied by the Agreement of 15th July, 1899, and the said last-mentioned Agreement forfeited and void by reason of non-compliance therewith by the company as if this agreement had not been made or entered into, and notwithstanding any act, matter, or thing whatsoever, which may have happened or been done under or in pursuance of this Agreement.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

J. W. LANGMUIR,
Chairman.

For the Canadian Niagara
Power Company,
W. H. BEATTY,
President.

{ The Corporate Seal of the
Commissioners for the
Queen Victoria Niagara
Falls Park.

{ The Corporate Seal of the
Canadian Niagara Power
Company.

A. MONRO GRIER,
Secretary.
CHAPTER

CHAPTER 12.

An Act to amend the Statute Law.

Assented to 17th March, 1902

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 16 of section 8 of *The Interpretation Act* is repealed and the following is substituted therefor : Rev. Stat.,
c. 1, s. 8, subs
16, repealed.

16. The word "holiday" shall include Sundays, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday, or the day fixed by proclamation for the celebration of the birthday, of the reigning sovereign, Victoria Day, Dominion Day, Labor Day, and any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday, or for a general fast or thanksgiving. "Holiday."

2.—(1) Part III. of *The Ontario Voters' Lists Act* is suspended for three years from the passing of this Act unless during the said three years it is otherwise ordered by the Lieutenant-Governor in Council. Rev. Stat. c. 7
Part III.
suspended.

(2) Until a new voters' list has been prepared for unorganized territory under the said Part III., or under any other enactment of the Legislature of this Province, the voters' lists prepared under the said Part III. in the year 1901 which have been duly certified shall in any election to the Legislative Assembly be the voters' lists for the polling subdivisions to which such lists are applicable. Voters' lists
of 1901 to be
lists for
unorganized
territory.

(3) In case of a vacancy occurring in the representation of any electoral district in the Legislative Assembly during any period of the suspension of the said Part III., the Lieutenant-Governor in Council may by a proclamation bring the said Part into force and effect within such electoral district, and may, in the said proclamation, and notwithstanding any provisions to the contrary in the said Act, fix and declare the dates or times for the preparation of the voters' lists; for the posting of the same, and the notices of the said posting of such lists; for making complaints and appeals in respect of such lists, and for the hearing of complaints and appeals before the Stipendiary Magistrate or District or County Judge; and for the final revision of the said lists, and for their being certified to the Clerk of the Peace; and the said dates or times shall

Vacancies in
representation
during sus-
pension of
Act.

shall be in lieu of the dates or times for the said above mentioned proceedings under the said Act, and, save as aforesaid, all the provisions of the said Part III as to the duties, rights, powers, authorities and liabilities thereunder, and as to such dates or times, shall apply and govern the complainants or appellants, the Stipendiary Magistrate, or the District or County Judge and Clerk of the Peace, and all others concerned in the administration of the said Act within the said electoral district.

Rev. Stat.
c. 7, s. 10,
amended.

3.—(1) Section 10 of *The Ontario Voters' Lists Act* is amended by adding thereto the following subsection:—

Date of
posting list to
be printed on
copies.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the said list thus:

This list was posted up in the Clerk's office on the
day of (fill in date) 19 .

Rev. Stat. c.
11, s. 102
amended.

4. Section 102 of *The Ontario Controverted Elections Act* is amended by adding after the words "Provided for" in the fourth line of the said section the words "shall be in the first instance a charge on the money deposited as security and".

Rev. Stat. c.
17, s. 62.

5. Section 62 of *The Act respecting the office of Sheriff* is repealed, and the following is substituted therefor:—

Payment of
amount re-
quired to
make up sher-
iff's income
to \$1,000.

62. Where it appears by the returns to the Lieutenant-Governor or to any department of the Government that any sheriff not paid wholly or in part by salary, derives from the fees and emoluments of his office, after deducting necessary disbursements, an income which does not exceed the sum of \$1,000, there may on the report of the Inspector of Legal Offices be paid to any such sheriff an amount sufficient to make up an income of \$1,000 in any case where the Lieutenant-Governor in Council so directs.

Rev. Stat.
c. 24, s. 4,
sub-s. 1
amended.

6. Subsection 1 of section 4 of *The Succession Duty Act* is amended by striking out the words added to clause g of the said subsection by subsection 2 of section 6 of *The Succession Duty Amendment Act, 1901*.

(2) Subsection 1 of section 6 of *The Succession Duty Amendment Act, 1901*, is amended by inserting after the word "moveable" in the fourth line the words "or personal," and by striking out the word "moveable" in the last line.

Rev. Stat.
c. 51, s. 3 (10)
repealed.

7. Subsection 10 of section 3 of *The Ontario Judicature Act* is repealed and the following substituted therefor:—

President of
High Court.

(10) The President of the said High Court shall be that one of the presidents of the King's Bench, Chancery, or Common Pleas Divisions, who for the time being is first in order of seniority, and in case of the absence or illness of the President of the High Court any duty which he is required to perform under

under any statute or any rule of court may be performed by the President of any Division.

8. Section 19 of *The Ontario Judicature Act* is repealed and the following substituted therefor :—

Rev. Stat.
c. 51, s. 19
repealed.

19—(1) In case after a cause or matter in the Court of Appeal has been heard and stands for judgment, one of the Judges by whom the same was heard is transferred to the Supreme Court of Canada, or resigns his office, or is absent from illness or other cause, or dies, the remaining Judges, or in case there is a difference in opinion, a majority of them may give judgment as if such Judge were still a Judge of the Court of Appeal, and were present and taking part in the said judgment.

Delivering judgments in Court of Appeal when vacancy has occurred.

(2) This provision shall apply to cases which have been already heard, and are now standing for judgment in the said Court.

9. Section 1 of *The Act respecting the Judges of the Supreme Court of Ontario* is amended by striking out all that part of the said section after the words "thousand dollars" in the sixth line thereof.

Rev. Stat. c. 52, s. 1, amended.

10. Sub-section 5 of section 5 of *The Local Courts Act* is amended by inserting after the word "Renfrew" in the third line thereof the words "Leeds and Grenville."

Rev. Stat. c. 54, s. 5, sub-s. 5, amended.

11.—(1) Section 72 of *The Surrogate Courts Act* is amended by inserting after the word "administrator" in the first, third and fifth lines of the said section the words "or guardian."

Rev. Stat. c. 59, s. 72, amended.

(2) The said section 72 of the said Act is further amended by adding the following subsection thereto :—

Rev. Stat. c. 59, s. 72 amended.

(2) Guardians appointed by the Surrogate Court may pass the accounts of their dealings with the estate to which they are appointed guardians before the Surrogate Judge of the county from the Surrogate Court of which their letters of guardianship issued. This section shall be retrospective, and shall apply to all Surrogate Court guardians heretofore appointed and who have passed their respective accounts before the Surrogate Court Judge, save and except guardians' accounts in litigation at the date of this Act.

Passing accounts by guardians.

(3) Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor :

Rev. Stat. c. 59, s. 73, amended.

(2) The oaths to be taken by executors, administrators and guardians, and the bonds or other security to be given by administrators and guardians and letters probate, letters of administration and letters of

Form of oath of executor, etc.

of guardianship hereafter issued shall require the executor, administrator and guardian to render a just and full account of his executorship, administration or guardianship only when thereunto lawfully required.

Rev. Stat.
c. 60, s. 248,
amended.

12. Section 248 of *The Division Courts Act* is amended by striking out in the fourth and fifth lines of the said section the words "or that the party has failed to attend after being so summoned."

Rev. Stat.,
c. 87,
amended.

13. *The Act respecting Police Magistrates* is amended by inserting therein as section 3a thereof the following:—

Appointment
of second
police magis-
trate in cities
of 200,000.

3a The Lieutenant-Governor in Council may appoint a second police magistrate for any city containing not less than 200,000 inhabitants at a salary to be named in the order making the appointment, or by a subsequent order, and the salary so named shall be paid by the city quarterly to such police magistrate and shall not exceed the sum of \$1,500.

Rev. Stat. c.
90, s. 7,
amended.

14. Section 7 of *The Ontario Summary Convictions Act*, is amended by adding the following subsection thereto:—

Grounds of
proceedings,
by certiorari.

(2) No such conviction or order as aforesaid shall be removed into the High Court of Justice by writ of certiorari except upon the ground that an appeal to the Court of General Sessions of the Peace as herein provided would not afford an adequate remedy.

Amendment
of convictions
on appeal or
certiorari
proceedings.

15. All the provisions of *The Criminal Code, 1892*, with respect to amendment of convictions or orders either on appeal or when removed by certiorari, and, subject to section 12 of *The Ontario Summary Convictions Act*, of any other Act of the Parliament of Canada authorizing the amendment of a conviction or order shall apply to convictions or orders made under the authority of any statute of this Province or under any by-law passed by virtue of such authority.

Rev. Stat.,
c. 101,
Schedule
amended.

16. *The Act respecting the Fees of Officers Engaged in the Administration of Justice* is amended by striking out so much of the Schedule of the said Act as is included under the heading "Criers," and substituting therefor the following:—

1. Making proclamation for opening or adjourning the Court of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery, General Sessions, County Court, and County Judges Criminal Court.....	25
2. Making every other proclamation	25
3. Calling and swearing grand jury.....	50
4. Calling and swearing every petit jury	50
5. Calling and swearing every witness or constable.....	10
5. Attending Assizes, General Sessions, County Court, and County Judge's Criminal Court, <i>per diem</i>	2 00
	17.

17. Section 1 of *The Act respecting Petty Trespasses* Rev. Stat.,
is amended by inserting in the third line thereof, after c. 120, s. 1.
the word "enclosed" the words "or being a garden or lawn."

18. Section 39 of *The Trustee Act* is amended by inserting Rev. Stat.
therein after the word "trustee" wherever the same appears c. 129, s. 39,
in the said section the word "guardian." amended.

19. From and after the first day of September next, the Town of
Town of Carleton Place shall be transferred to and included Carleton
in the North Riding of Lanark for registration purposes, and Place
items 48 and 49 in Schedule Q of *The Registry Act* are amended transferred to
by striking out the words "excepting Carleton Place" and North
the words "and Carleton Place" where they occur in the Lanark for
said items. registration
purposes.

20. Subsection 2 of section 13 of *The Dower Act* is Rev. Stat.
amended by adding thereto the following words: "Except c. 164, s. 13,
"that for filing the affidavits and papers the clerk shall charge subs. 2, am-
"the same fees as are payable for filing papers in other cases; ended.
"the fees for filings in the High Court shall be paid in law
"stamps."

21. Notwithstanding anything in *The Ontario Medical Act* Voting at
to the contrary all medical practitioners in the Province who election of
have at any time heretofore been registered practitioners under Council under
the provisions of the said Act shall be entitled to vote at Rev. Stat. c.
the next election of members of the council notwithstanding
non-payment of their annual fees.

22.—(1) Section 8 of *The Ontario Insurance Act* is amended Rev. Stat.
by inserting before the word "ten" in the first line of the said c. 203, s. 8,
section the following words: "On it being shown to the satis- amended.
faction of the Minister that there exists in any municipality of
the Province no adequate provision for the insurance on the
mutual plan of the property against fire, the said Minister may Establishment
in writing under seal, certify that cause has been shown, and of mutual fire
thereupon." insurance
companies.

(2) Section 11 of the said Act is amended by striking out Rev. Stat.
"150,000" in the fifth line thereof, and by substituting there- c. 203, s. 11,
for "200,000." amended.

(3) Section 17 of the said Act is amended by inserting in the Rev. Stat.
second line thereof, after the word "deeds" the following c. 203, s. 17,
words: "the certificate mentioned in section 8, and also." amended.

(4) Section 6 of the said Act is amended by adding subsection Rev. Stat.
5 thereto as follows: c. 203, s. 6,
amended.

5. In the case of any capital stock raised under any pro- Amount of
vision of this Act the shares shall be of \$100 each; shares.
and the liability of any holder of shares shall be
limited to the amount (if any) remaining unpaid
upon the shares held by him."

Rev. Stat.
c. 203
amended.

When permit
may be grant-
ed to insure
with foreign
unregistered
corporations.

(5) The said Act is amended by inserting therein after section 86, section 86a as follows:

86a. In the case of any manufacturing risk, if it is proved to the satisfaction of the Insurance Registrar that no insurance or no sufficient insurance can be obtained at the ordinary rate of premium from insurance corporations standing registered under this Act, the Insurance Registrar may under his hand and seal of office, grant in writing a permit to the person therein named to effect the necessary amount of insurance in one or more foreign unregistered corporations for a term not exceeding twelve months, specified in the said permit; and such permit shall for the said term exempt the said person and the said insurance contract from the operation of sections 54, 85 and 86 of this Act. In respect of each such permit a fee of \$2 shall be payable to the Provincial Treasurer.

Rev. Stat.
c. 203.
amended.

Renewing or
continuing
registry for
winding up
purposes.

(6) The said Act is further amended by inserting therein, after section 183, section 183a as follows:

183a. Notwithstanding anything contained in this Act, the Insurance Registrar may by writing under his hand and seal of office, continue or renew or extend the registry of any Provincial Insurance Corporation for the purpose of the winding up of such corporation under chapter 222 of the Revised Statutes of Ontario; and during the continuance of such registry or renewed or extended registry, the sections of this Act numbered respectively 184 to 195 inclusive, shall not apply to the said corporation; but upon the expiry without renewal or upon the revocation or cancellation of such registry the said sections shall apply unless the winding up of the said corporation has previously been completed.

Rev. Stat.
c. 206, s. 11,
sub-s. 2
amended.

23. Subsection 2 of section 11 of *The Ontario Trust Companies Act* is amended by inserting the words "or in securities which are a first charge on lands held in fee simple in the Province of Manitoba," after the word "Provinces" in the 9th line of said subsection.

Rev. Stat.
c. 235, s. 40,
amended.

Same commis-
sioners may
act under
Rev. Stat.
c. 234 as un-
der c. 235.

24. Section 40 of *The Municipal Waterworks Act* is amended by adding thereto the following subsection:—

(5) The council of the township, city, town or village with the assent of the electors of the municipality, to be obtained in the manner provided by *The Municipal Act* in the case of by-laws for the creation of debts, may by by-law provide that the Commissioners elected or to be elected for the purposes of this Act shall have and possess the powers and shall perform the duties of Commissioners under *The Municipal Light and Heat Act* and from and after the passing of such by-law the said Commissioners

Commissioners shall be known as "The Water and Light Commissioners of the _____ of _____," and shall have, possess, enjoy and exercise all the rights, powers and privileges and shall perform all the duties of Commissioners under *The Municipal Light and Heat Act* as well as of Commissioners elected under this Act.

25. Section 105 of *The Liquor License Act* is repealed.

Rev. Stat.
c. 245, s. 105,
repealed.

26. Subsection 1 of section 28 of *The Ditches and Water-courses Act* as amended by section 3 of the Act passed in the in the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 28 is further amended by striking out all the words therein from the commencement of the said subsection down to and including the word "interested" in the fourth line thereof and inserting in lieu thereof the words "The engineer at the expiration of the time limited by the award for the completion of the ditch shall inspect the same."

Rev. Stat.,
c. 285, s. 28,
subs. 1,
amended.

27. (1) Section 9, of Chapter 32, of the Acts passed in the 1st year of His Majesty's reign, intituled. "*An Act for the Improvement of Public Highways*" is amended by striking out the word "twenty" in the third line thereof, and substituting therefor the word "thirty."

2 Edw. VII
c. 32, s. 9,
amended.

(2) Section 2 of the said Act is amended by striking out the figures "1903" and inserting in lieu thereof the figures "1904."

28. The provisions of the Act passed during the present session of the Legislative Assembly of Ontario, intituled *An Act to amend the Toll Roads Expropriation Act 1901*, shall not take effect or become operative or have any force as to or in any way touching or affecting the London and Port Stanley Toll Road within the limits of the County of Elgin.

Certain provisions not to
apply to
County of
Elgin.

29. If any person to whom an oath is administered desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he shall be permitted so to do, and the oath shall be administered to him in such form and manner without further question.

Taking oaths
in Scotch
manner.

Imp. Act,
51-52 V. c. 46,
s. 5.

30. The name, "International Railway Company," is substituted for the name "Buffalo Railway Company" wherever same appears in the Statutes of Ontario, 1901, chaptered 86, and the same is to be read as if such substituted name had been originally inserted; Provided the Parliament of Canada extends the provisions of the Statute of Canada, 1900, chaptered 54, to the International Railway Company, a foreign corporation, as the successor in interest of The Buffalo Railway Company, substituting the name of the International Railway Company wherever the same appears in the said Statute of Canada,

1 Edw. VII.,
c. 86, amended.

International
Railway
Company.

Canada, to be read as if such substituted name had been originally inserted therein ; And provided Parliament at same time enacts that the vesting in the said company the business, property, rights and incidents appurtenant thereto and all other things belonging to the Niagara Falls Park and River Railway Company, by any agreement made between it and the said Buffalo Company by the said Statute of Canada prescribed, did not deprive or assume to deprive the Legislature of Ontario of its powers and rights in respect of the Niagara Falls Park and River Railway Company or the jurisdiction and control of the Commissioners for the Queen Victoria Niagara Falls Park, as by the said statute provided.

Maintenance
of Glen Road
Bridge.

31. The councils of the municipalities of the City of Toronto and the Township of York may each contribute a sum of money towards putting in repair and strengthening the Glen Road Bridge situate in the said township and terminating within a few feet of the northern boundary of the said city, and each of the said municipal councils may make its contribution by a grant at the general expense of the municipality.

Town of
Peterborough
authorized to
grant lands
for drill shed.

32. Notwithstanding anything contained in the Act of the Province of Ontario passed in the 42nd year of the reign of Her late Majesty, chaptered 67, it shall and may be lawful for the Corporation of the Town of Peterborough and the Corporation of the County of Peterborough to grant and convey to His Majesty out of the lands vested in the said corporations by said Act such additional land as may be required by the Government of the Dominion for the site of a new drill hall and armouries in addition to or in substitution for the site of the present drill shed.

CHAPTER 13.

An Act respecting the Imperial Statutes relating to property and civil rights incorporated into the Statute Law of Ontario.

Assented to 17th March, 1902.

WHEREAS under and by virtue of divers Acts of the Pro- Preamble.
vinces of Upper Canada, Canada, and of this Province, certain Imperial Statutes became part of, and were incorporated into, the Statute Law of this Province so far as the same were applicable to the circumstances thereof; and whereas, since the incorporation of such Statutes some of the same have become obsolete, or have in effect been superseded by subsequent legislation; and some of the said Statutes were enacted in Latin, or Norman French, or in language which has become antiquated and obscure; and whereas it is desirable that all such Imperial Statutes as relate to property and civil rights should be revised, classified, and consolidated, as part of the Revised Statutes of Ontario; and whereas such revision, classification, and consolidation have been made accordingly; and whereas it is expedient to include in such consolidation certain statutes of the present session passed in substitution, or amendment, of certain of the said Imperial Statutes:—

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act the words "Imperial Statutes" include Interpretation
Statutes made by the Parliament of England, of Great Britain, and of the United Kingdom of Great Britain and Ireland.

2. The printed roll attested as that of the said Statutes so revised, classified, and consolidated, as aforesaid, under the signature of His Honour the Lieutenant-Governor and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Assembly shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the Schedule A thereto annexed; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof, form no part of the said Statutes, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any misprint or clerical Printed roll attested by Lieutenant-Governor, etc., to be deemed original.
error

error in the said roll may also be corrected in the roll hereinafter mentioned.

Incorporation of Acts passed at present session.

3. The Lieutenant-Governor may select such Acts and parts of Acts passed during the present session, as he may deem it advisable to incorporate with the said statutes contained in the said roll and may cause them to be so incorporated therewith, adapting their form and language to those of the said statutes (but without changing their effect) inserting them in their proper places in the said statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present session so incorporated as aforesaid, and also the Imperial Acts, or parts of Imperial Acts, for which the same shall be substituted.

Roll to be deposited after incorporation of Acts passed at present session.

4. So soon as the said incorporation of such Acts and parts of Acts with the said statutes and the said addition to the said Schedule A shall have been completed, the Lieutenant-Governor may cause a correct printed roll thereof attested under his signature and countersigned by the Provincial Secretary to be deposited in the office of the Clerk of the Legislative Assembly, which roll shall be held to be the original thereof and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule thereto annexed, and shall be deemed to include and comprise all provisions contained in any Imperial Statute relating to property and civil rights which have heretofore been incorporated into the statute law of this Province, and which at the time of the passing of this Act remained in force except only those referred to in Schedule C to the said consolidated Acts annexed. The marginal notes and references to former enactments shall be held to form no part of the said Statutes but to be inserted for convenience of reference only.

Proclamation bringing Acts into force.

5. The Lieutenant-Governor in Council after such deposit of the last mentioned roll may by Proclamation declare the day on, from, and after, which the same shall come into force and have effect as law by the designation of "The Revised Statutes of Ontario, 1897, Volume III."

Effect of proclamation.

6. On, from and after such day the same shall accordingly come into force and effect as law by the designation of "The Revised Statutes of Ontario, 1897, Volume III," to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on, from and after such day, and on, from and after the same day all the enactments in the said several Acts and parts of Acts in Schedule A to the said Roll mentioned as repealed shall stand and be repealed save only as hereinafter is provided.

7. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

Effect of
repeal of
former Acts.

8.—(1) The repeal of the said Acts and parts of Acts shall not affect, defeat, disturb, or invalidate:—

Matter not to
be affected by
repeal.

(a) Any penalty, forfeiture or liability incurred before the time of such repeal or any proceedings for enforcing the same had, done, completed, or pending, at the time of such repeal.

Penalties,
etc., incurred
before repeal.

(b) Any action, proceeding, order, judgment, or process, or any other matter whatever respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal.

Judgments,
actions, etc.

(c) Any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal.

Deeds, grants,
rights, etc.

(d) Any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal.

Officers, com-
missions, etc.

(e) Any marriage certificate, or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal.

Marriages.

(f) Any other matter or thing whatever had, done, completed, existing, or pending at the time of such repeal.

Other
matters.

(2) But every such

Saving clause.

Penalty, forfeiture and liability and every such

Action, proceeding, order, judgment, process, or other matter respecting the same, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security, and duty and every such

Marriage certificate, and registry thereof, and every such other matter and thing, and the force and effect thereof respectively,

may and shall remain and continue as if no such repeal had taken place and as far as necessary may and shall be continued, prosecuted, enforced and proceeded with under the said "Revised Statutes of Ontario, 1897, Volume III," and other the statutes and laws having force in Ontario so far as applicable thereto and subject to the provisions of the said several statutes and laws.

(3) This Act shall not affect any principle or rule of law or equity, or established jurisdiction, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, or emolument, notwithstanding that the same respectively may in any manner be affirmed, recognized, or derived by, in, or from, any enactment hereby repealed.

(4) This Act shall not revive or restore any jurisdiction office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force in this Province.

9. The said Revised Statutes, shall not be held to operate as new laws but shall be construed and have effect as a consolidation, and as declaratory, of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted.

10. But if upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Revised Statutes, Volume III, take effect the provisions contained therein shall prevail, and as respects all things anterior to the said time the provisions of the said repealed Acts and parts of Acts, so far as applicable to the circumstances of this Province shall prevail.

11. Any reference in any former Act remaining in force or in any instrument, document or legal proceeding to any Act or enactment so repealed shall after the said Revised Statutes, Volume III, take effect, be held as regards any subsequent transaction, matter or thing to be a reference to the enactments in the said Revised Statutes, having the same effect as such repealed Act or enactment.

12. The insertion of any Act in the said Schedule A or B shall not be construed as a declaration that such Act or any part of it was, or was not, in force immediately before the coming into force of the said Statutes.

13. *The Interpretation Act* shall apply to the construction of the said Revised Statutes, Volume III, and the statutes comprised in the said Volume III may be cited and referred to for all purposes in like manner as any other statute contained in the Revised Statutes of Ontario, 1897.

14. The Schedules A, B, and C, are to be read as referring to the revised edition of the Imperial Statutes prepared under the direction of the Imperial Statute Law Committee, and the chapters of the statutes passed before the division into separate Acts was customary are those indicated by the marginal numbers

numbers given in that edition ; and the repeal by this Act of a Statute, or part of a Statute, set out or referred to in the terms of the translation given in that edition is to operate on the original Latin, or Norman French, of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

Repeal to
operate on
original
Statutes.

15. Any Acts heretofore passed by the Legislature of this Province, or of the Province of Canada, in force in this Province at the time "The Revised Statutes of Ontario, 1897, volume III," shall come into force, shall not be deemed to be affected by the Acts contained in the said Volume III, but all of the Acts revised, and consolidated in the said Volume III, shall be read and construed as being made subject to the provisions of all Acts heretofore passed by the Legislature of this Province, or of the Province of Canada which are in force in this Province at the time the statutes comprised in "The Revised Statutes of Ontario, 1897, Volume III," take effect.

Revised
Statutes to be
subject to the
provisions of
existing
Statute Law.

CHAPTER 14.

An Act to amend The Jurors' Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows. —

Rev. Stat. c.
61, amended.

1. *The Jurors' Act* is amended by inserting therein as section 27*a* the following section :

Summoning
same jurors of
general ses-
sions and sit-
tings of High
Court.

27*a* — (1) Notwithstanding anything contained in *The County Courts Act* and *The General Sessions Act* the County Selectors of Jurors in any county may at their annual meeting by resolution determine that the General Sessions of the Peace for the county instead of being held at the times fixed by the above mentioned statutes shall be held immediately after the sittings of the High Court in each year for the trial of jury cases and in such cases until such resolution is rescinded the jurors for the High Court and for the inferior courts shall be the same and shall be summoned for such courts at the same time.

(2) In case such resolution as aforesaid is adopted the first Selectors of Jurors for the county shall thereafter distribute the names of persons selected as jurors under section 26 of *The Jurors Act* into two divisions instead of four, and the clerk of the peace shall make the report as to jurors required by section 43 of the said Act to the Judge of the County Court, and such report shall be dealt with in all respects and the same proceedings *mutatis mutandis* shall be taken in regard thereto and to the jury lists and otherwise as are required to be taken and shall have the same effect as if taken by or before the courts or persons named in this Act under the Act and the said judge shall have power to perform all the duties and make all the enquiries which should or might be made or performed were he presiding at the Court of General Sessions of the Peace and shall for this purpose have all the powers of the court.

Rev. Stat.
c. 61, s. 97,
amended.

2. Section 97 of *The Jurors Act* is amended by striking out the word "eight" where it appears in the third and tenth lines thereof and inserting in lieu thereof the word "twelve."

Rev. Stat.
c. 61, s. 97,
amended.

3. Section 97 of the said Act is amended by adding thereto the following sub-sections :

(2) In case it appears that there is no business requiring the attendance of a jury at any sittings of the High Court, or of any County Court, for the trial of actions with a jury, the Deputy Clerk of the Crown, or the Local Registrar or the Clerk of the County Court, as the case may be, at least five clear days before the day appointed for such sitting shall give notice in writing (which may be in Form A in Schedule C to this Act) to the sheriff that there is no such business as aforesaid and that the attendance of jurymen at such sittings is not required and a similar notice shall be given to the sheriff by the Clerk of the Peace in the case of a sittings of the High Court for the trial of criminal prosecutions, or in case of the sittings of the General Sessions of the Peace in any county, when it shall appear that the attendance of jurymen at such sittings is not required.

Countermanding jury summonses where no business for jury.

(3) Notwithstanding anything contained in any statute or rule of court, actions to be tried by a jury, whether in the High Court or County Court, shall be entered for trial not later than six clear days next before the first day of the sittings.

When actions to be entered for trial.

(4) Subject to the provisions of subsection 7 of this section, the Sheriff, upon receipt of such notice or notices as aforesaid, shall forthwith by registered letter or otherwise, as he shall in his discretion deem expedient, notify each person summoned to serve as a jurymen, whether Grand or Petit, at such sittings that his attendance is not required, and in case any person so summoned shall attend after receiving such notice from the Sheriff he shall not be entitled to any fees or mileage for such attendance. Such notice may be in Form B in Schedule C to this Act.

Notice to be given to juror.

(5) Where after the giving of such notice by the Sheriff, a jurymen so summoned attends such sittings and the Sheriff is satisfied that the notice was not received prior to such attendance but that the jurymen attended in good faith believing such attendance to be necessary, the Sheriff shall allow such jurymen his mileage and fees as heretofore.

Where juror attends owing to non-receipt of notice.

(6) For sending every notice required by subsection 4 of this section, there shall be paid to the Sheriff in the same manner and out of the same funds as the fees for the summoning of jurors the sum of 25 cents, and necessary disbursements paid by him for each jurymen so notified.

Fees of sheriff for sending notices.

(7) In the case of a sittings of the High Court for the trial of criminal prosecutions, or in the case of a sittings of the General Sessions of the Peace in any county, the Sheriff shall not give the notice mentioned in subsection (4) to this section unless he is satisfied that there is or are no prisoner or prisoners in the common gaol of the county awaiting trial at such sittings of the High Court or General Sessions of the Peace, as the case may be.

Sheriff's notice not to be given unless there are prisoners in custody.

Act not to apply to county containing a city.

4. This Act shall not apply to any county in which is situate a city.

SCHEDULE C.

FORM A.

To the Sheriff of the County of

Take notice that there is no (civil or criminal, as the case may be) business requiring the attendance of a jury at the ensuing sittings of the court (or the court of) to be holden on the day of next, and that the attendance of jurymen at such sittings is not required.

Dated at this day of 19

Deputy Clerk of the Crown (or Local Registrar of the High Court, or Clerk of the Peace, as the case may be) for the County of

FORM B.

To

Take notice that there being no business requiring the attendance of jurymen at the sittings of the court (or the court of), to be holden on the day of next, your attendance as a jurymen at such sittings is not required and the summons served upon you for your attendance as such jurymen as aforesaid is hereby cancelled and rescinded.

Further take notice that in case you attend at such sittings after the receipt by you of this notice you will not be entitled to any fees or mileage for such attendance.

This notice is given pursuant to section 97 of *The Jurors' Act*, being chapter 61 of the Revised Statutes of Ontario.

Dated at , this day of , 190

Sheriff of the County of

CHAPTER 15.

An Act respecting Expert Witnesses.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Where in any action, arbitration, or other proceeding it is intended by any party to examine as witnesses professional or other experts entitled according to the law or practice to give opinion evidence not more than three of such witnesses may be called upon either side without the leave of the presiding judge or of the arbitrator or other person presiding, such leave to be applied for before the examination of any of the experts who may be examined without such leave.

Limit of
number of
expert wit-
nesses in
action etc.

CHAPTER 16.

An Act to divide the District of Rainy River for the
Registration of Titles and Deeds.*Assented to 17th March, 1902.*

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

Division of
Rainy River
for registry
purposes.

Rev. Stat.
c. 138.

Rev. Stat.
c. 109.

1. From the day which shall be named in a proclamation of the Lieutenant-Governor in Council in that behalf the District of Rainy River shall be divided into two divisions for the purposes of *The Land Titles Act*, and of sections 75 and 76 of *The Unorganized Territory Act* to be called respectively the North and South Divisions and from the said day the said South division shall for the said purposes be separated from the rest of the District of Rainy River.

South Divi-
sion how
comprised.

2. The south division shall consist of that part of the said district described as follows:—Commencing where the boundary line between the districts of Rainy River and Thunder Bay intersects the international boundary line; thence due north astronomically along said district boundary to Ontario Land Surveyor Speight's base line run in 1897, in latitude 49° 0' 6" north; thence due west astronomically along Speight's base line aforesaid 23 miles, 71 chains, 7 links, to an iron post; thence due west astronomically 36 miles, more or less, to the 18th mile post on Ontario Land Surveyor Niven's 5th meridian line; thence due west astronomically 30 miles, more or less, to the 18th mile post on Ontario Land Surveyor Niven's 6th meridian line; thence due west astronomically 35 miles, more or less, to the westerly shore of Clearwater Lake; thence southerly along the westerly shore of said lake, ten chains, more or less, to the 49th parallel of latitude; thence due west along said parallel of latitude 32 miles, more or less, to a point distant westerly fifteen chains from the water's edge of the Lake of the Woods; thence south-westerly following the course of the water's edge of the Lake of the Woods and at a distance of fifteen chains therefrom till it strikes the international boundary at the mouth of Rainy River; thence southeasterly and easterly up Rainy River along the international boundary to Rainy Lake; thence easterly, southerly and southeasterly following the international boundary through Rainy Lake and the several lakes and rivers forming the international boundary to the place of beginning, but excluding therefrom any island within the said Lake of the Woods.

3.

3. The North Division shall consist of the remainder of the said District of Rainy River. North Division.

4. The Office of Land Titles and the Registry Office for the North Division shall be situated at Rat Portage, and the Office of Land Titles and the Registry Office for the South Division shall be situated at Fort Frances. Offices for each division, where to be situated.

5. The Lieutenant-Governor may at any time after the passing of this Act appoint a Local Master of Titles for the said South Division and may also appoint the same person or a different person Registrar of Deeds therefor. Appointment of local master of titles.

6. Upon the day named in the said proclamation, or as soon thereafter as practicable, the Local Master at Rat Portage shall deliver to the Local Master at Fort Frances all books which have been kept exclusively for any territory included in the South Division and shall after the passing of this Act, whenever so instructed by the Master of Titles, re-enter from the present registers into a register or registers for the said South Division all subsisting entries of titles of lands and of mortgages of lands which are situated in the said Division and which are entered in books which have not been kept exclusively for lands in such Division. Delivery of books, etc.

7. The Local Master at Rat Portage shall also deliver as aforesaid to the Local Master at Fort Frances all original instruments filed or registered with him which relate exclusively to lands within the said South Division, and certified copies of all such instruments relating to land in the South Division as well as to land in the north division as the Master of Titles shall direct. Instruments, transfer of.

8. The Local Master at Fort Frances may enter in the registers all instruments so delivered to him which have not been entered in the registers, and may complete the entries which have not been completed in respect of any such instrument, and may date all such entries as they would have been dated if the entries had been made and completed by the Local Master at Rat Portage and may continue and complete all applications, proceedings and matters pending at the date of the division before the Local Master at Rat Portage respecting land in the said South Division. Entry of instruments by local master at Fort Frances.

9. (1) The Local Master at Rat Portage shall also deliver as aforesaid, to the said Local Master at Fort Frances, certified copies of all writs of execution in force in his hands. Transfer of executions.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the Local Master at Rat Portage. Time of receipt to be endorsed.

(3) Such copies shall have the same effect and shall be dealt with in the same manner as if they had been furnished by the Sheriff. Effect of copies.

Sheriff of Rainy River to the Local Master at Fort Frances and shall at the time of their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid they respectively held in the office at Rat Portage.

Delivery of
copies of certi-
ficates subse-
quent to
execution.

10. Where the effect of a copy of a writ has been varied by a subsequent certificate of the Sheriff or by an order of Court, the Local Master at Rat Portage shall also deliver as aforesaid a certified copy of such certificate or order to the Local Master at Fort Frances.

Where local
master cannot
determine in
which division
land lies.

11. Where in any case the Local Master of either of the said Divisions is unable to determine in which Division the land described in any patent hereafter issued lies, the registration of the title of such land in the Division in which it is described in the patent as situate shall be a valid registration thereof and such land shall be deemed to be in such division until the Local Master thereof is satisfied that it has been incorrectly described as in such Division and the registration has been corrected under the next section.

Land errone-
ously
omitted
from new
register.

12.—(1) In case the Master at Rat Portage shall at any time ascertain that through oversight or otherwise any parcel of land within the South Division has been erroneously omitted from the register or registers prepared under section 6, he shall prepare a true copy of the subsisting register of any such parcel and shall append thereto a certificate stating that such copy is a true copy of the register of the land therein described and such Master shall also state in such certificate whether or not there is in such office a copy of any execution which affects such land, and if there is any such execution shall give the particulars thereof and shall deliver the copy so prepared to the Local Master at Fort Frances.

Land regis-
tered in wrong
division.

(2) Where, through the land having been described in the patent in the wrong Division or through other oversight, the title to any land is registered in the wrong Division, the Local Master for the division in which such land is registered shall prepare a true copy of the subsisting register of such land and shall append thereto a certificate as in this section mentioned and shall deliver the same to the Local Master of the Division in which such land is situate.

Form of certi-
ficate in such
cases.

13. The Local Master of one Division who under Section 12 delivers to the Local Master of the other Division a certified copy of the register of any parcel of land shall, when the parcel in his register includes land in both Divisions, vary his certificate by stating that the said copy is a true copy of the register so far as the same relates to land in the other Division, naming it, and shall vary the copy accordingly.

Note of trans-
fer to correct
division.

14. The Local Master shall thereupon note in the register of the parcel that the land affected by his certificate has been transferred

transferred to the other Division and after such entry instruments subsequently lodged with such Local Master shall not affect the said land.

15. It is hereby declared to be the intention of this Act that a copy of a Writ of Execution duly lodged in the office in which the title to any land is registered shall bind such land notwithstanding it shall subsequently be ascertained that the land is in fact situated within the territorial limits, as in section 2 or 3 set forth, of a Division of the said District other than that in which it is registered¹ and the provisions of this Act shall be construed accordingly.

Executions to bind lands² shall not withstanding registry in every division.

16. The Local Master receiving a copy certified under Section 12 or 13 shall thereupon register as owner of such parcel of land the person who by such copy appears to be the owner thereof subject to the various charges, cautions, inhibitions, qualifications and other incumbrances affecting the same appearing in the said copy and shall also enter as an incumbrance in the register of the parcel any execution affecting such land mentioned in the said certificate.

Registration of owner by local master of correct division.

17. Upon the day named in the said proclamation the provisions of Sections 75 and 76 and of Sections 78 to 83 of *The Unorganized Territory Act* shall, except when inconsistent with this Act, apply to each of the said Divisions, as if the same were a Territorial District.

Application of Rev. Stat. c 109, ss. 75, 76 in issue of proclamation.

CHAPTER 17.

An Act to further amend The Devolution of Estates Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 127, s. 13
not to affect
the rights of
executor, etc.

1. Nothing in section 13 of *The Devolution of Estates Act* shall be held to derogate from any right possessed by an executor or administrator with the will annexed under a will or under *The Trustee Act* or from any right possessed by a trustee under a will.

Act to be
effective as
from 4th May
1891.

2. The preceding section shall operate as if the same had been enacted on the 4th of May, 1891, except that nothing therein contained shall affect the construction of the said section 13 as respects any conveyance heretofore made by any devisee or heir, but so far as it affects any such conveyance the said section 13 shall be construed as if the preceding section had not been enacted.

Rev. Stat.
c. 127, s. 13
amended.

3. The said section 13 is amended by substituting the words "three years" for the words "twelve months" occurring in the third line of the said section, but such amendment shall only apply to the real estate of persons who have died within one year before the passing of this Act, or shall hereafter die.

Application
of Rev. Stat.
c. 127, s. 14.

4. Section 14 of the said *Devolution of Estates Act* shall extend to cases where a grant of probate of the will or of administration to the estate of the deceased may not have been made within twelve months or any longer period after the death of the testator or intestate. This section shall be deemed to have been in force on and from the 27th day of May, 1893.

Powers of ad-
ministrator
and executor
as to leasing
and mort-
gaging.

5. The powers of an administrator and of an executor under the said Act are hereby declared to include the power of leasing lands and of mortgaging lands for the purpose of paying debts, but no lease hereafter made under such power shall, where an infant is interested, extend beyond the coming of age of the said infant or where more infants than one are interested shall extend beyond the coming of age of the eldest of said infants. The written consent or approval of the official guardian

guardian to a lease or mortgage under the said power shall be required under the like circumstances as it would be required if the land were being sold.

6. Sales of realty made and leases and mortgages granted by executors and administrators with the written consent or approval of the Official Guardian prior to the passing of this Act, whether the probate of the will of the testator or letters of administration to the estate of the intestate have been taken out before or after the expiration of a year after the death of the testator or intestate, shall be valid as respects all the heirs or devisees, whether infants or of full age, for or on behalf of whom the consent of the Official Guardian has been obtained, and sales of land by executors and administrators in other cases made prior to the passing of this Act shall be adjudicated upon in like manner as is provided in subsection 3 of section 17 of *The Devolution of Estates Act* and shall be valid unless questioned in an action within one year from the passing of this Act except in any case where under *The Devolution of Estates Act* the approval of the Official Guardian was required and was not obtained.

Sales and leases heretofore made confirmed.

Rev. Stat. c. 127.

7. Where prior to the passing of this Act there has been a sale by executors or administrators, no infant being concerned and no consent or approval of the Official Guardian having been obtained, but the person or one of the persons beneficially entitled has received and accepted, or shall hereafter receive and accept, his share or supposed share of the purchase money, such acceptance shall be deemed a confirmation of the sale as respects such person.

Acceptance of share by beneficiary to be a confirmation of sale made prior to Act.

8. Subsection 1 of section 16 of the said *Devolution of Estates Act* is amended by adding the following clause thereto:

Rev. Stat. c. 127, s. 16, subs. 1 amended.

(a) The said executors and administrators shall also have power with the concurrence of the persons beneficially entitled thereto, or with the approval of the Official Guardian where there are infants, lunatics, or non-concurring persons beneficially entitled, to divide the estate of the deceased or any portion or portions thereof amongst the persons entitled thereto.

Division of estate among persons beneficially entitled.

9. Section 9 of the said Act is amended by striking out the word "hereinbefore" where that word occurs in the first line of the said section and substituting therefor the word "herein."

Rev. Stat. c. 127, s. 9 amended.

10. Section 14 of the said Act is amended by striking out the words "twelve months" where they first occur in the said section and substituting therefor the words "the proper time," and by striking out the words "twelve months" where they occur the second time in the said section and substituting therefor the word "periods".

Rev. Stat. c. 127, s. 14. amended.

Rev. Stat.
c. 127, s. 15.
amended.

11. Section 15 of the said Act is amended by striking out the words "twelve months" where they first occur in the said section and substituting therefor the words "the proper time" and by striking out the words "after the expiration of twelve months from the death of the testator or intestate" and substituting therefor the words "after the time within which the executors and administrators might without any consent, order or certificate have registered a caution".

Real estate of
persons dying
between 1st
July, 1886,
and 4th May,
1891.

12.—(1) Real estate of persons who have died on or after the first day of July, 1886, and before the fourth day of May, 1891, which has not already been disposed of or conveyed by the executors or administrators of such persons, shall at the expiration of one year from the passing of this Act be deemed thenceforward to be vested in the devisees or heirs beneficially entitled thereto (or their assigns as the case may be) without any conveyance by the executors or administrators unless within the said year such executors or administrators shall have caused to be registered a caution as authorized in respect of the real estate of persons dying after the said fourth day of May, 1891, by the Act passed in the fifty-fourth year of Her late Majesty's reign intituled *An Act respecting the Sale of Real Estate by Executors and Administrators*.

(2) In case of such caution being so registered this section shall not apply to the real estate referred to therein for twelve months from the time of such registration or from the time of the registration of the last of such cautions, if more than one are registered.

(3) This section shall be applicable notwithstanding a grant of probate of the will of the deceased or of administration to his estate may not have been made prior to the expiration of the said period.

CHAPTER 18.

An Act respecting Wills of Personal Estate.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as *The Wills Act of 1902*.

Short title.

2. Where the word “will” occurs in this Act the said word shall be interpreted as in section 9 of *The Wills Act of Ontario*.

“Will” what to include.

3. Every will made out of Ontario by a British subject (whatever may be the domicile of such person at the time of making the same or at the time of his death) shall as regards personal estate be held to be well executed for the purpose of being admitted in Ontario to probate, if the same be made according to the forms required either by the law of the place where the same was made, or by the law of the place where such person was domiciled when the same was made or by the laws then in force in that part of His Majesty’s Dominions where he had his domicile of origin.

Will executed out of Ontario when to be valid.

Imp. Act, 24 & 25 V. c. 114.

4. No will shall be held to be revoked or to have become invalid, nor shall the construction thereof be altered by reason of any subsequent change of domicile of the person making the same.

Change of domicile not to revoke will.

5. Nothing in this Act contained shall invalidate any will as regards personal estate which would have been valid if this Act had not been passed, except as such will may be revoked or altered by any subsequent will made valid by this Act.

Wills not to be invalidated by Act.

6. This Act shall extend only to wills made by persons who die after the passing of this Act.

Application to wills of persons dying hereafter.

CHAPTER 19.

An Act to amend The Land Titles Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 138, s. 103, cl. 1 amended. **1.** Section 103 of *The Land Titles Act* is amended by adding to clause 1 the following: "Where two or more owners as aforesaid are described as trustees the property shall be held to be vested in them as joint tenants unless the contrary is expressly stated."

Trustees to be entered as joint tenants.

Rev. Stat. c. 138, s. 122 amended. **2.** The following is added to section 122 of the said Act as subsection 3 thereof:

Restoration of covenants or conditions and compensation therefor.

(3) Where the Master under this section restores to the register any covenant or condition he may do so with such modifications, if any, as he deems are advisable so as to do the least possible injury to the parties affected by their omission, or by their restoration, and may upon notice to the Attorney General of Ontario, at the same time or subsequently, determine what damages (if any) shall be paid to any of the parties claiming to have been injuriously affected by the omission of the said covenants or by their restoration.

Rev. Stat. c. 138, s. 141 amended.

3. Section 141 of the said Act is amended by striking out the words "in relation to the registration of any title" where they occur in the third line of the said section and substituting the words, "in any application made to him."

Rev. Stat. c. 138, s. 164 amended.

4. Section 164 of the said Act is amended by inserting the words "or fees" after the word "salary" in the first line of subsection 3.

1 Edw. VII., c. 16, s. 3. amended.

5. Section 3 of *The Act to amend The Land Titles Act*, passed in the first year of the reign of His Majesty King Edward VII., is amended by striking out the words "Lake Superior" in the second line of the said section, and substituting therefor the words "Lake Huron."

CHAPTER 20.

An Act to provide for the Removal of Obstructions
in Rivers and Streams in certain cases.*Assented to 17th March, 1902.*

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. In this Act, unless the context otherwise requires, the “Work,”
expression “work” means and includes any rocks, stones, meaning of.
gravel, slab or timber jam, dam, or part of any dam, rubbish
of any kind, or other obstruction.

2. Nothing herein contained shall apply to any land, or to Act not to
any obstruction on any land, belonging to Canada, or to any apply to lands
work (or materials) ordered or approved by the Lieutenant- of Canada.
Governor in Council, or in any case where municipal authority
exists to remove any such obstruction.

3. Upon compensation to be made as hereinafter provided, Removal of
the Commissioner of Public Works may authorize any engineer, works in
agent, servant or workman employed by or under him, to enter streams by
into and upon any land, and remove any work in any rivers, order of
creeks, streams, waters and water courses, to whomsoever Commission-
belonging (other than belonging to Canada), the removal of er.
which in the judgment of the Commissioner is necessary or
expedient in the public interests.

4. The Commissioner may for such purposes contract with Compensation
all persons under the provisions of chapter 37, of the for removal.
Revised Statutes of Ontario, 1897, respecting the Public
Works of Ontario, for the payment of the compensation agreed
upon, or in case of no agreement the commissioner may refer
the determination thereof to the Board of Official Arbitrators,
and the sum awarded or agreed upon shall be paid as by
the said Act provided.

5. In such case, and before referring the determination of Notice to
the amount of compensation, the Commissioner shall cause a person inter-
notice to be served upon any party interested, which shall con- ested ;
tain a description of the powers intended to be exercised with contents of.
regard to the work intended to be removed and the use of
lands

lands and the period of occupation required to effect such removal, and a declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for the use and occupation of such lands, or for any damage caused by the removal of such work including the period of time when the Commissioner will refer the subject matter of the said notice for determination by the Board of Official Arbitrators.

CHAPTER 21.

An Act to amend The Mechanics and Wage-Earners'
Lien Act

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 22, of *The Mechanics and Wage Earners' Lien Act* is amended by adding thereto the following subsection. Rev. Stat. c.
153, s. 22,
amended.

(5) In the case of a contract which is under the supervision of an architect, engineer or other person, upon whose certificate payments are to be made, the claim for a lien by a contractor may be registered within the time mentioned in subsection 1 hereof, or within seven days after the said architect, engineer or other person has given his final certificate, or has upon application to him by the contractor, refused to give a final certificate. Registration
of contractors
lien after last
certificate.

CHAPTER 22.

An Act to amend the Act respecting Councils of Conciliation and of Arbitration for settling Industrial Disputes.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Rev. Stat.,
c. 158, s. 4,
amended.

1. Section 4 of *The Trades Disputes Act* is amended by adding the following sub-sections :—

Registrar to
proceed to
locality where
strike or lock-
out threatened

(4.) If any difference shall arise between any corporation or person, employing ten or more employees, and such employees, threatening to result, or resulting in a strike on the part of such employees, or a lockout on the part of such employer, it shall be the duty of the Registrar, when requested in writing to do so by five or more of said employees, or by the employers, or by the Mayor, or Reeve of the municipality in which the industry is situated, to visit the place of such disturbance and diligently seek to mediate between such employer and employees.

Duty of
registrar in
adjusting
disputes.

(5) It shall be the duty of the Registrar to promote conditions favourable to a settlement by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration before resorting to strikes or lock-outs.

CHAPTER 23.

An Act to amend The Marriage Act.

Assented to 17th April, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 19 of *The Marriage Act* is amended by adding thereto the following sub-sections :

(3) The memorandum to be printed upon the back or at the foot of the said printed forms of affidavits shall be as set forth in Schedule F to this Act.

(4) The degrees of affinity and consanguinity within which if persons are related, they are prohibited by God's law from contracting marriage with each other as declared in and by the Statute passed in the 28th year of His Majesty King Henry the 8th, chapter 7, section 7, as modified by the Act of the Parliament of Canada passed in the 45th year of Her Majesty Queen Victoria, chapter 42, are set forth in Schedule G. to this Act.

(5) If at any time hereafter any changes shall be made in the law affecting the degrees of relationship within which marriage may be lawfully contracted, it shall be lawful for His Honour the Lieutenant-Governor by Order in Council to direct such changes from time to time to be made in Schedule F so as to make it conformable to the law for the time being.

2. *The Marriage Act* is further amended by adding thereto the Schedules set out as Schedules F and G to this Act.

Rev. Stat. c.
162, s. 19,
amended.

Table of pro-
hibited de-
grees of con-
sanguinity
and affinity.

Rev. Stat.
c. 162 s. 19
amended.

SCHEDULE F.

Degrees of affinity and consanguinity which under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother.
2. Grandfather's wife.
3. Wife's grandmother.
4. Aunt.
5. Uncle's wife.

A woman may not marry her

1. Grandfather.
2. Grandmother's husband.
3. Husband's grandfather.
4. Uncle.
5. Aunt's husband.*

6. Wife's aunt.	6. Husband's uncle.
7. Mother.	7. Father.
8. Step mother.	8. Step father.
9. Wife's mother.	9. Husband's father.
10. Daughter.	10. Son.
11. Wife's daughter.	11. Husband's Son.
12. Son's wife.	12. Daughter's husband.
13. Sister.	13. Brother.
14. Granddaughter.	14. Grandson.
15. Grandson's wife.	15. Granddaughter's husband.
16. Wife's granddaughter.	16. Husband's grandson.
17. Niece.	17. Nephew.
18. Nephew's wife.	18. Niece's husband.
*19. Wife's niece.	19. Husband's nephew.
20. Brother's wife.	20. Husband's brother.

The relationships set forth in this table include all such relationships whether by the whole or half blood, and whether legitimate or illegitimate.

* By Dominion Act 53 Vict., c. 36, sect. 1, it is enacted that "All laws prohibiting marriage between a man and the daughter of his deceased wife's sister where no law relating to consanguinity is violated, are hereby repealed both as to past and future marriages."

SCHEDULE G.

And furthermore since many inconveniences have fallen as well within this Realm as others by reason of marrying within the degrees of marriage prohibited by God's law, that is to say: The son to marry the mother or the step mother carnally known by his father; the brother the sister, the father his son's daughter, or his daughter's daughter, nor shall the son marry the daughter of his father procreate and born by his step mother, nor shall the son marry his aunt, being his father's or mother's sister, nor marry his uncle's wife, carnally known by his uncle, nor shall the father marry his son's wife carnally known by his son, nor the brother marry his brother's wife carnally known by his brother; nor shall any man married and carnally knowing his wife marry his wife's daughter nor his wife's son's daughter, nor his wife's daughter's daughter . . . And further if it chance any man shall know carnally any woman that then all and singular persons being in any degree of consanguinity or affinity (as is above mentioned) to any of the parties so carnally offending, shall be deemed and adjudged to be within the cases and limits of the said prohibitions of marriage. (28 Hen. 8, c. 7, s. 7, part; and Dominion Act 45 Vict., c. 42; and see 53 Vict., c. 36. (D)).

CHAPTER 24.

An Act to amend The Ontario Companies Act.

Assented to 17th April, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Ontario Companies Act* is amended by inserting therein as section 48*a* the following :—

Rev. Stat.
c. 191,
amended.

48*a*. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and in case he discloses the nature of his interest and refrains from voting he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity.

Directors not
to vote on
contracts in
which they
have a per-
sonal interest,
etc.

Proviso.

2. The said Act is further amended by inserting therein as section 81*a* the following :—

Rev. Stat.
c. 191,
amended.

81*a*. Every deed which any person lawfully empowered in that behalf by the company as its attorney, signs or has signed on behalf of the company, and seals, or has sealed with his seal, shall be binding on the company and shall have the same effect as if it was under the seal of the company.

Deeds signed
and sealed
under power
of attorney.

Rev. Stat.,
c. 191, s. 49,
amended.

3. Section 49 of the said Act is amended by adding thereto the following as subsection 2 thereof :—

By-laws for
issuing bonds.

(2) Any and all by-laws passed and sanctioned as provided in this section for any or all of the said purposes shall remain in full force and effect until repealed by by-law passed by the directors of the company and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of such by-law ; and any power of borrowing money or of issuing the bonds, debentures or other securities of the company, or of hypothecating, mortgaging or pledging the property, rights and powers of the company which shall be conferred upon the directors by any by-law passed and sanctioned as provided in this section, shall not be construed as being exhausted by any exercise of such power, but said power may be exercised from time to time by directors of the company, upon any money so borrowed being paid off in whole or in part ; or upon any issue of bonds, debentures or other securities of the company so issued being withdrawn or paid off and duly cancelled in whole or in part ; or upon any mortgage or pledge so given being satisfied and redeemed in whole or in part ; so that, however, at no time shall there be an outstanding indebtedness of the company incurred under any such by-law to an extent greater than the limit fixed by such by-law.

CHAPTER 25.

An Act respecting aid to Certain Railways.

Assented to 17th April, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. There shall be granted out of the consolidated revenue ^{Subsidies} fund for the construction of the portions of railways herein- ^{granted.} after mentioned, the sum following, that is to say :

- (1) To the Pembroke Southern Railway from the Town ^{Pembroke} of Pembroke to a point in the Township of Ross, ^{Southern.} not exceeding a distance of 15 miles, a cash subsidy of \$3,000 a mile—\$45,000.
- (2) To the Bay of Quinte Railway (formerly the Kings- ^{Bay of Quinte.} ton, Napanee and Western Railway) for such extensions of branches or additions to its projected and authorized lines of railway northerly of the Village of Tweed and to enable the said company to unite its lines of railway and connect said lines with iron ore deposits or other mineral lands, in renewal and extension of the amount granted to the Kingston, Napanee and Western Railway in the year 1893, a distance not exceeding fifty miles, a cash subsidy of \$3,000 a mile—\$150,000. (Re-vote, \$90,000.)
- (3) To the Irondale, Bancroft and Ottawa Railway Com- ^{Irondale,} ^{Bancroft and} ^{Ottawa.} pany from Kinmount Junction to Irondale, a distance of ten miles, and from a point thirty-five miles from Irondale and thence easterly for a distance of ten miles; also from a point at or near Palmer Rapids to the Town of Renfrew, a distance of about fifty miles, in all a distance not exceeding seventy miles, a cash subsidy of \$3,000 a mile—\$210,000. (Re-vote, \$30,000.)
- (4) To a railway from Dinorwic Station, in the District ^{From Dinor-} of Algoma, northerly to Lake Minetakie, a distance ^{wick to Lake} of fifteen miles, a cash subsidy of \$3,000 a mile— ^{Minetakie} \$45,000.
- (5) To the James Bay Railway Company from a point on ^{James Bay.} the Canada Atlantic Railway near Rose Point to a point

point on the Georgian Bay in the Town of Parry Sound, a distance not exceeding five miles; and from a point on the main line of the James Bay Railway at or near the Town of Parry Sound to a point on the Canadian Pacific Railway at or near Sudbury, a distance not exceeding 90 miles (in all 95 miles) in addition to subsidies previously granted, a cash subsidy of \$1,000 a mile—\$95,000.

Thunder Bay,
Nepigon and
St. Joe.

- (6) To the Thunder Bay, Nepigon and St. Joe Railway from a point thirty miles east of Port Arthur a distance of ten miles a cash subsidy of \$2,000 per mile in addition to 5,000 acres of land per mile—\$20,000.

Lindsay,
Bobcaygeon
and Ponty-
pool.

- (7) To the Lindsay, Bobcaygeon and Pontypool Railway from the village of Bobcaygeon to the Town of Lindsay, a distance not exceeding 19 miles, a cash subsidy of \$3,000 a mile—\$57,000.

Bruce Mines
and Algoma.

- (8) To the Bruce Mines and Algoma Railway from a point at or near Bruce Mines to a point on the north shore of Lake Huron a distance not exceeding four miles, a cash subsidy of \$3,000 a mile—\$12,000.

Nepigon.

- (9) To the Nepigon Railway Company from a point at or near Nepigon Station to a point at or near the head of Long Portage a distance not exceeding fourteen miles, a cash subsidy of \$3,000 a mile—\$42,000.

Lake Super-
ior, Long
Lake and
Albany
River.

- (10) To the Lake Superior, Long Lake and Albany River Railway from a point at or near Peninsula Harbor northerly a distance not exceeding ten miles, a cash subsidy of \$3,000 a mile—\$30,000.

Conditions of
grant to Iron-
dale, Bancroft
and Ottawa.

2. The granting of the subsidy hereinbefore mentioned to the Irondale, Bancroft and Ottawa Railway Company is subject to the condition that the Lieutenant-Governor in Council may at all times require the said company to secure to the Toronto, Lindsay and Pembroke Railway Company such running powers, traffic arrangements and other rights over and in respect of the line of the said Irondale, Bancroft and Ottawa Railway Company between Bird Creek and Palmer Rapids, or any part thereof, as will afford to the Toronto, Lindsay and Pembroke Railway Company reasonable and proper facilities for running over the line of the Irondale, Bancroft and Ottawa Railway, or such part or parts thereof between Bird Creek and Palmer Rapids, as they may think requisite, at such fair and equitable mileage rates as the said companies may agree upon, or failing such agreement, as the Lieutenant-Governor in Council shall fix and determine; and in the event of the construction by the Toronto, Lindsay and Pembroke Railway Company of the line of railway between Bird Creek and Palmer Rapids, the

the Irondale, Bancroft and Ottawa shall be accorded similar rights to those in this section conferred on the Toronto, Lindsay and Pembroke Railway Company.

3. Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies, shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations, the number of the same, and the intervals at which the stoppages shall be made at such stations for the accommodation of the public.

Information to be furnished by companies.

4. Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of railway, and shall also adopt the latest appliances which are in use for the said purpose.

Companies to comply with regulations.

5. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Lapse of subsidies not earned in five years.

6. The subsidies hereby granted shall be subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway, with railway supplies, structural iron and steel, rail fastenings and cement, rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

Use of Canadian rolling stock, etc.

7. No cash subsidy or land grant, granted at the present session of the Legislature or heretofore or hereafter granted to any railway company by any Act of this Legislature, shall be deemed to be earned nor shall the same be paid, granted or conveyed, unless the rails, structural iron and steel, rail fastenings and cement used in the construction of the railway, or any part thereof hereafter constructed, to which such subsidy or land grant applies, shall have been manufactured in Ontario, provided that the rails, structural iron, steel, rail fastenings and cement necessary for such construction were procurable in Ontario, or if not procurable in Ontario, then elsewhere in the Dominion of Canada, at a price not greater than the open market price in Great Britain or the United States of America for rails, structural iron and steel, rail fastenings and cement of similar

Use of rails, etc., of Ontario manufacture.

similar make and quality, with the current freight rates from the place of shipment in Great Britain or the United States to the place where required in Ontario added thereto.

Companies
not to amal-
gamate, etc.,
without
sanction of
Lieutenant-
Governor.

8. The grants aforesaid are made subject to the condition that the company aided shall not amalgamate with any other company or lease or transfer the railway or its franchises, or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under the management or control, in whole or in part, of any other railway or railways in any manner whatsoever, without the sanction of the Lieutenant-Governor in Council first had and obtained.

Conditions as
to workmen.

9. The workmen, laborers, or servants employed in or about the construction of the said railway and each of them shall be charged fair and reasonable prices for any board, provisions, clothing and other necessities of life, and reasonable comfort supplied by the company, their agents or any person or persons authorized by the said company to supply such goods and accommodation; and upon the breach of any of the provisions of this section or in the event of exorbitant charges being made by the railway company, their agents or other person or persons authorized by the railway company, there may be deducted and retained from moneys payable in respect of such unearned subsidy or hereafter to be granted subsidy, such amount as the Lieutenant-Governor in Council may think proper.

Drainage.

10. Suitable culverts and openings shall be made in water-courses and at other points where necessary, to provide for the proper flow of surface water from adjacent lands; and wherever, under any Provincial Acts for the drainage of farm lands it is found necessary to construct a culvert or deepen or enlarge a culvert already made, the said railway companies, and each of them, shall as a condition upon which such subsidy is granted, with the approval of the Lieutenant-Governor in Council, be considered as "owner" of lands under the provisions of the "*Ditches and Watercourses Act*" and "*An Act respecting the Construction of Drains.*"

Cattle guards
at crossings.

11. The subsidies granted by this Act, shall further be subject to the condition that every company, to which aid is granted, shall construct and maintain at all road crossings, cattleguards of a design approved by the Commissioner of Public Works of Ontario and suitable and sufficient to prevent cattle and animals from getting from the highways, crossed by the railway of the company, on to the railway track or lands of the company.

Particulars of
cost of con-
struction.

12. Before any subsidy so granted is paid an attested statement signed by the president of the railway company aided shall

shall be filed with the Commissioner of Public Works showing the cost in detail of each ten-mile section of roadbed, including the cost of land, fencing, grading, ballasting, rails, ties, culverts, bridges and all material and labour and expert services in connection therewith, and the said company shall, when required, produce and exhibit to the Commissioner of Public Works, or any person appointed by him, all books, accounts and vouchers, showing the cost of constructing the railway and the cost of operating it, with the earnings thereof.

13. Should the Lieutenant-Governor in Council at any time determine to acquire any of the said railways by arbitration or otherwise, or expropriate any such railway, the subsidy hereinbefore granted to the railway so acquired, together with one-half of the subsidy granted the said railway by the Government of the Dominion of Canada, shall be deemed part payment of the amount fixed as the price to be paid for the railway by the Provincial Government.

Government
acquiring lines
aided.

14. The Lieutenant-Governor in Council may instruct the Secretary of the Provincial Board of Health to enforce such reasonable sanitary regulations on the works and in the camps connected therewith during the construction of any of the said railways as may be deemed necessary to maintain proper sanitary conditions and accommodation, and contractors shall have at each camp a tent and stove where in case of emergency a patient suffering from a contagious disease may be isolated at once so as not to endanger the men in the camp.

Sanitary regu-
lations at
works and
camp.

15. In addition to the provisions of *The Railway Act of Ontario* with respect to tolls to be taken or levied by the said companies, there shall be no secret special rates, rebates, drawbacks or concessions to favoured shippers nor any act or thing that will affect or prevent free competition in any line or lines of trade.

Rev. Stat.
c. 207, s. 31,
subs. 9,
amended.
Secret rates.

16. The right is hereby expressly reserved to the Government of the Province of Ontario, at any time after the expiration of ten years, to expropriate and take over any or all of the railways hereby aided.

Right of Gov-
ernment to
expropriate
lines.

17. The provisions contained in the Act, passed in the 63rd year of the reign of Her late Majesty Queen Victoria chaptered 30, and amendments thereto respecting pine timber on lands allotted under the said Act are incorporated in and shall be read as part of and applicable to lands allotted under the Act passed in the first year of His Majesty's reign and chaptered 23, in lieu of the provisions as to pine timber therein contained and the last mentioned Act is amended accordingly.

Pine timber
on lands
allotted to
Manitoulin
and N. S. Ry.

18. Section 14 of the said Act passed in the 1st year of His Majesty's reign chaptered 23, is repealed and the following substituted in lieu thereof:—

1 Edw. VII.
c. 23, s. 14,

Right to
expropriate
Manitoulin
and North
Shore
Railway.

14. At any time after the completion of the company's railway and its steel car ferry, as set out in section 9 of this Act, the company shall, when required, produce and exhibit to the Commissioner of Public Works, or any person appointed by him, all books, accounts and vouchers, showing the cost of constructing and equipping the railway and car ferry and the works connected therewith and all other outlays, the cost of operating the same, and the earnings thereof, and the bonded indebtedness in respect thereof, and shall, if required, transfer the said railway and car ferry and the works connected therewith and all its franchises respecting the same, and all rights and titles to the said railway and car ferry, including terminals, and all its real estate and personal property, including leases, contracts of carriage, and of every other description whatsoever, used or enjoyed along with, or in relation to said railway and car ferry as a component part thereof (save and excepting the lands to be granted to the company hereunder,) so far as by law assignable, to His Majesty the King as represented by the Commissioner of Public Works for Ontario, upon being paid the then value of the said railway, car ferry, works, franchises, rights and property, after deducting the value of the subsidies hereinbefore granted, computed at the rate of fifty cents per acre, and after further deducting an amount equal to fifty per centum of any subsidies which now or shall hereafter have been paid to the said company by the Parliament of Canada, which value to be paid shall not be less than the actual cost of the said purchased property with ten per centum added; and, in the event of dispute as to such value, the same shall be determined by arbitration; provided that to the extent of such purchase price the bonds or debentures of the company secured by mortgage, the total issue of which shall not in any event exceed the actual cost of the road, shall be continued, and the assumption of the said purchased property by the Crown shall be subject thereto. The said option or right to purchase as aforesaid shall be exercised within fifteen years from the passing of this Act, otherwise this provision shall become null and void.

Time for com-
mencement
and comple-
tion of
Toronto,
Lindsay and
Pembroke
Ry. extended.

19. The times fixed for the commencement and completion of the Toronto, Lindsay and Pembroke Railway are hereby extended for three years beyond the respective periods fixed therefor by the Act of incorporation, passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chapter 105.

Carrying
road-making
material.

20. Each of the said railways shall be obliged, upon the request of any township or county municipality through which the road passes, to carry roadmaking material, gravel or stone, required for improving any of the roads within such municipality, at the actual cost of handling and carriage.

Payments of
subsidies in
scrip.

21. All the provisions of section 2 of chapter 35 of the Act passed in the 52nd year of Her Majesty's reign respecting the option

option of substituting half yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3, of the said Act, shall apply to the grants hereby made and to the grants made by the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 29.

22. All the provisions of *The Act to Secure Payment of Wages for Labour Performed in the Construction of Public Works*, of *The Act respecting Subsidies to Railways and to encourage the Manufacture of Railway Steel and Iron in the Province*, and of *The Ontario Railway Act*, shall apply to the subsidies granted by this Act and the wages paid on any of the said works shall be such as are generally accepted as current for competent workmen in the respective districts where such railways are to be constructed.

Application of
Rev. Stat.
c. 155 ; c. 210,
and 207.

CHAPTER 26.

An Act to amend The Street Railway Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.
208 s. 18 subs.
4 amended.

Fenders on
motor cars.

1. Sub-section 4 section 18 of *The Street Railway Act*, as enacted by section 1 of the Act passed in the first year of the reign of His Majesty King Edward VII., chapter 25, and sub-section 6 of section 18 of *The Street Railway Act*, as enacted by section 2 of the Act passed in the first year of the reign of His Majesty King Edward VII., chapter 25, shall apply to every street railway company now, or hereafter, established or incorporated, under any special Act of the Legislature of the Province of Ontario, and shall be incorporated with, and deemed to be, parts of each of such special Acts.

CHAPTER 27.

An Act respecting Electric Railways.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the expression "Railway Committee" means the Railway Committee of the Executive Council of Ontario. "Railway Committee" meaning of.

2. The Railway Committee shall consist of the Commissioner of Public Works, who shall be chairman thereof, and two other members of the Executive Council of Ontario who may be from time to time appointed by the Lieutenant-Governor in Council. Railway Committee, how composed.

(2) Two members of the Railway Committee shall form a Quorum. quorum.

(3) Some fit and proper person may be appointed by the Secretary. Committee to be the Secretary of the Railway Committee.

3. The Railway Committee shall have jurisdiction over railways, electric railways and street railways, subject to the legislative jurisdiction of this Province, and may exercise the jurisdiction and powers conferred upon the Lieutenant-Governor in Council and the Commissioner of Public Works, or either of them, by *The Railway Act of Ontario, The Street Railway Act and The Electric Railway Act*, or any special Act respecting any railway, street railway or electric railway. Jurisdiction of committee.

4. Every electric railway and street railway company subject to the legislative authority of this Province shall have the right to join, unite and connect its line of railway at any point or points thereon with the line of any other electric railway company, or street railway company, and each company may grant running or other rights over its lines to the other, or allow the interchange of traffic or cars, or make operating arrangements, or confer other privileges of user of its property, upon such terms and conditions as may be agreed upon between the respective companies, provided that no such agreement shall have any force or effect until the same shall have been approved by two-thirds in value of the shareholders of each company present at a special general meeting to be held for that purpose. Electric and street railways running over lines of other companies under agreement.

Assent of
municipal
council or
Railway
Committee.

(2) No such agreement shall be acted upon in any municipality affected thereby until the assent of the municipal council of the said municipality shall have been obtained thereto, or until an order has been made by the Railway Committee pursuant to the provisions of this Act after due notice to the municipality.

Application to
Railway Com-
mittee where
municipality
refuses assent.

(3) If any municipality affected by such agreement shall refuse to assent thereto, or in case such municipality shall ask and require different terms from those contained in said agreement, an application may be made by either company to the Railway Committee for leave to act upon the said agreement, or to settle the terms of a varied agreement between the parties interested notwithstanding the want of such assent, and upon such application being made the Railway Committee may appoint a date for the hearing of the application and notice shall be sent by registered letter addressed to or by personal service upon the parties to the said agreement and to the non-assenting municipality.

Objections to
be stated and
filed.

(4) The Railway Committee in fixing a day or at any time thereafter may require the non-assenting municipality to specify its objections to the said agreement in writing and file a copy of such objections with the Secretary of the Railway Committee, and to serve a copy thereof upon the parties to the said agreement.

Inquiry and
report for
information of
Committee.

(5) The Railway Committee may appoint or direct any person to make an inquiry or report upon any such agreement, or any other matter or thing connected therewith or incident to the objections raised by any non-assenting municipality.

Powers of
Committee as
to inquiry and
report.

(6) The Railway Committee and any person appointed to make any inquiry and report may:—

- (a) Enter into and inspect any places and buildings, being the property of or under the control of either company, the entry or inspection of which appears to it or him requisite.
- (b) Inspect any works, motors, cars, carriages or property of either company.
- (c) Require the attendance of all such persons as it or he thinks fit to call before it or him, and examine or require answers or returns to such inquiry as it or he thinks fit to make.
- (d) Require the production of books, papers, plans, specifications, proofs and documents relating to the matters before it or him.

Witnesses and
evidence be-
fore commit-
tee.

(7) The Railway Committee shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce books, papers or things which they are required to produce as is vested in the High Court of Justice.

(8) Every witness shall be entitled to receive the same fees and allowances as if summoned to attend before the High Court of Justice. Witness fees.

(9) The Railway Committee shall have power to determine all questions arising upon the application of any electric railway company or municipality interested, including : Matters to be decided on application.

(a) Whether either company shall be entitled to the rights conferred by the agreement, or any variation thereof, or any of them, notwithstanding the want of assent of the municipality.

(b) What compensation, if any, shall be paid by either or both parties to the agreement in respect of any increased servitude to which the highway of the municipality will be subjected by reason of the agreement and by whom and in what proportions the said compensation shall be paid.

(c) The rate of speed and the order of precedence of the cars of either party to the agreement.

(d) The rights of either company upon the highways traversed by the line or lines of the other company.

5. The Railway Committee shall have jurisdiction from time to time to determine :— Other matters within jurisdiction of Committee.

(a) Any dispute which may from time to time arise between any two or more companies subject to the legislative authority of this Province respecting the crossing by either company of the line of the other.

(b) Any agreement between such companies for the interchange of traffic, haulage of cars, use of tracks or power.

(c) Any dispute between any municipality and any company with regard to the service, rates and tolls, speed of cars or trains.

(2) Where any city or town municipality is affected by the provisions of this and the next preceding section the powers vested in the Railway Committee in and by the said sections shall not be exercised without the consent of such municipality.

6. The sittings of the Railway Committee may be held at any place in the Province of Ontario. Sittings, where to be held.

7. Any decision or order of the Railway Committee may be made an order of the High Court of Justice and shall be enforced in like manner as any rule or order of the Court. Enforcing orders of Committee.

8. The Railway Committee may from time to time review and rescind or vary any report or order previously made by it. Review reports and orders.

Stating case
for Court of
Appeal.

9. The Railway Committee may, if it thinks fit, and at the instance of any party to the proceedings, and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Committee is a question of law.

Duty of Court
of Appeal on
stated case.

10. The Court of Appeal for Ontario shall hear and determine the question or questions of law arising thereon, and remit the matter to the Committee with the opinion of the court thereon.

Petition to
Lieutenant-
Governor in
Council from
order of Com-
mittee.

11. Subject to the provisions of section 8 hereof every decision and order of the Railway Committee shall be final, provided always that every party or municipality may petition the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may in his discretion rescind, change or vary the said order as he deems just and proper.

Fees on orders
of Committee
to be paid in
stamps.

12. There shall be paid in law stamps upon every order made by the Railway Committee such sum as may be directed by the Committee, regard being had to the expense occasioned to the Province in the matter, and such law stamps shall be paid in the first instance by the applicant for such order, and shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Railway Committee, which order may be made a rule of law and enforced summarily by the High Court of Justice.

Costs.

13. The costs of and incidental to any proceedings before said Railway Committee shall be in the discretion of the Committee.

Documents of
Committee,
how proved.

14. Every document purporting to be signed by the chairman and secretary of the Committee or by either of them, shall be received in evidence without proof of any such signature, and until the contrary is proved, shall be deemed to be so signed and to be duly executed by the Committee.

Notice of
decisions of
Committee.

15. Every decision and order of the Railway Committee shall be considered as made known to the parties by notice thereof signed by the chairman and secretary, or either of them, and sent by post to the parties or their agents.

Notice to be
given before
passing
by-law
authorizing
construction
on highways.

16. No municipal council, notwithstanding anything contained in *The Electric Railway Act*, or any other Act to the contrary, shall pass a by-law authorizing any electric railway company to lay out or construct its railway on, upon or along any public highway, road, street or lane, until written or printed notices of the intended by-law specifying the route to be taken by the railway shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or,
if

if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such, then in a newspaper published in the county town, and except upon a majority vote of all members of the municipal council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

Objectors to be heard by council.

(3) Any person so heard may appeal to the Railway Committee against any by-law prejudicially affecting his property.

Appeal against by-law to Railway Committee. Rev. Stat., c. 209, s. 37, amended.

(4) Section 37 of *The Electric Railway Act* is amended by striking out the words commencing with "and subject also" in the eleventh line thereof down to and including the word "railway" in the sixteenth line thereof, and by striking out all the words in the said section in the proviso following the 25th line thereof.

17. The right and authority of any railway company to lay out or construct its railway on, upon or along any public highway, road, street or lane, shall, in addition to any further terms and conditions the municipal council may impose, be subject to the following terms and conditions:—

Construction of railway on highways and conditions to be observed.

(a) The rails of the company shall conform to the grade of the street.

Grade.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company. The railway company shall also, unless otherwise determined by the municipal council, at its own expense, keep clean and in proper repair the streets, between the rails, and for eighteen inches on each side of the rails; and in default, the council may cause the same to be done at the expense and proper cost of the company; provided that where the rails are laid upon the side of and not on the travelled portion of any public highway, road, street or lane within any township municipality the requirement of this subsection may in the by-law or agreement be modified in such manner as may appear to the council reasonable and proper.

Rails to be flush with street, etc.

Proviso.

(c) All other ordinary vehicles may use and travel in the said tracks, provided they do not interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyance of the company; and any person neglecting or refusing to do so shall be liable on summary conviction to a fine of not more than ten dollars, besides costs, and the same shall be recovered before any Justice of the Peace.

Use of tracks by other vehicles.

(d) No cars or train of cars shall be operated on the travelled

Speed.

elled portion of any highway at a greater speed than fifteen miles an hour unless authorized by the Railway Committee.

Compliance
with condi-
tions of Rev.
Stat., c. 259,
s. 82, sub-s. 1.

(e) The cars, carriages or other vehicles upon the railway for the conveyance of passengers, and the apparatus and arrangements in connection therewith, shall, in every instance, comply with the provisions of section 82, subsection 1 of *The Electric Railway Act*, and the railway company shall be subject to the direction and control of the Commissioner of Public Works, as provided by the said subsection, and shall be subject to the penalties provided therein for failure to comply with any of the provisions thereof.

(f) The words "travelled portion" where used in this Act as applicable to roads, streets or highways shall be deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

Regulations
governing
running
arrangements
with other
companies.

18. The Railway Committee may from time to time make regulations respecting the terms and conditions of agreements for connections with running arrangements over or the sale, lease or hiring of any railway, electric railway or street railway subject to the Legislative authority of this Province and every agreement for any of such purposes shall comply with and be subject to such regulations and shall be void in any respect in which the same shall not be complied with.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith if the Legislative Assembly is in session at the date thereof and if the Legislature is not in session such regulations shall be laid before the said House within the first seven days of the session next after such regulation is made.

(3) In case the Legislative Assembly at the said session or if the session does not continue for three weeks after the said regulation is laid before the House then at the ensuing session of the Legislature disapproves by resolution of such regulation either wholly or of any part thereof the regulation so far as disapproved of shall have no effect from the time of such resolution being passed.

Vestibules on
motor cars.

19.—(1) Every electric railway company and every street railway company operating its line by electricity, and every railway company operating its line by any motive power other than steam or the use of animals, shall provide proper and sufficiently closed vestibules upon its cars for the protection of the motormen and other persons in charge of the motor and operating the same from exposure to cold, snow, rain and sleet during the months of November, December, January, February and March. And every such company operating its cars without rear-end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period.

(2) Every company shall pay to the corporation of the municipality in which it operates the sum of \$10 for each day in which any motor car is operated within such municipality in contravention of subsection 1 of this section: such penalty to be recovered from such company in a civil action. Penalty.

(3) Subsection 4 of section 569 of *The Municipal Act* and any by-law passed thereunder shall be suspended as to cities containing 100,000 inhabitants and over and shall not be operative as to vestibules on the rear end of cars in such cities until after the close of the next session of the Legislature, but every company operating its cars in any such city without rear end vestibules shall permit the conductors to stand inside the car as far as is consistent with the proper performance of their duties during the period mentioned in the said subsection. Suspension of
Rev. Stat.,
c. 223, s. 569,
subs. 4.

(4) Nothing in this section contained shall affect the question of costs in any action or other proceeding pending at the time of the passing hereof. Cost of pending actions not
affected,

CHAPTER 28.

An Act to amend The Joint Stock Companies Winding-up Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.
c. 222, s. 23
sub. s. 1
amended.

1. Subsection 1 of section 23 of *The Joint Stock Companies Winding-up Act* is amended by inserting after the word "member" in the first line of the said subsection the words "or any creditor."

Rev. Stat.
c. 222
amended.

2. The following sections are added to *The Joint Stock Companies Winding-up Act* as sections 57, 58, 59 and 60 thereof.

Payment of
amount of
debt into
court in cer-
tain cases.

57. Where proceedings are taken under the authority of section 47 to distribute the proceeds of all the assets of the company amongst the shareholders, and a creditor to whom a debt which is not due is owing is unwilling to receive payment thereof, or any creditor is an infant or insane and has no guardian or committee empowered to give a legal acquittance for the debt, or where a creditor is dead and has no executor or administrator, or the residence of a creditor is unknown, the company may, in any such case, pay the amount of the debt into the High Court of Justice at Toronto in accordance as nearly as may be with the rules and practice of the said court in respect of the payment by trustees of moneys into the said court, the proceedings being intituled in the matter of this Act and of the company, and in the case of a debt which is not due and which bears interest shall in addition pay into the said court such an amount as will with the interest allowed by the court be sufficient to pay the amount of such debt and interest when the same becomes due, and a sum of \$10 to cover the expense of the creditor obtaining payment out of court of the said money.

Payment into
court to be
a satisfaction
of debt.

58. The payment into court as aforesaid of the amount of any debt, or of any debt with interest, and such sum of \$10, as aforesaid when the debt is not due, shall be a satisfaction of the debt for the purposes of section 51 of this Act, and where any sum has been paid into court under the preceding section, the second paragraph of the statement (Form B or C) filed under

under section 50 shall be varied by excepting debts, the amounts of which have been paid into court as aforesaid. The statement shall by schedule or otherwise specify the said debts and the amount which has been paid into court in respect of each such debt.

59. Where a shareholder is an infant or insane and has no guardian or committee empowered to give a legal acquittance for the amount payable to him in respect of his shares, or where a shareholder is dead and has no executor or administrator, or where the address of a shareholder is unknown, the company may in like manner pay into the High Court the amount so payable. Payment on account of shares into court.

60. Debenture stock shall be held to be a debt within the meaning of section 57 and shall with accrued interest be payable at any time after three months from the passing of the special resolution directing the distribution of the proceeds of the assets of the company amongst the shareholders. Debenture stock to be a debt.

CHAPTER 29.

The Municipal Amendment Act, 1902.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 223, s. 18,
amended.

1.—(1) *The Municipal Act* is amended by adding thereto the following as section 18a:

Agreements
with owners of
farm lands in
towns and vil-
lages as to rate
of taxation.

18a. The corporation of any town or incorporated village in which are situated lands wholly used for farming purposes may enter into special agreements with the owners of such lands as to the rate of taxation to which the same shall be subject for any period not exceeding five years at a time, and may pass by-laws to give effect to such agreements, but no such by-law nor any agreement provided for thereby shall take effect or be valid or binding unless approved by a vote of not less than two-thirds of the council of the town or village as the case may be.

(2) Subsection 7 of section 18 of *The Municipal Act* is amended by striking out the words “nor in limits or area below the proportionate limits prescribed by this Act,” at the end of the said sub-section.

Rev. Stat.,
c. 223,
amended.

2. *The Municipal Act* is amended by adding after section 18, as enacted by section 2 of *The Municipal Amendment Act, 1901*, the following section:

Reducing area
of town or
village in un-
organized
territory.

18b.—(1) Upon the application of the council of any town or incorporated village in the districts where there is no county organization, or upon the application of such number of owners of any lands in any such town or village as shall represent at least one half the amount of the assessed value of all lands included within the limits or area proposed to be withdrawn from such town or village, the Lieutenant-Governor in Council may, but subject to arbitration as hereinafter mentioned, reduce the area of such town or village and may exclude and detach such lands or any portion thereof or any lands situated outside the new limits to be defined by such arbitration, from the said town or village, and annex the same to some adjoining municipality.

(2) Provided that such reduction of area and detachment or separation of lands where the council of the town or village

or

or of the municipality to which it is proposed to annex such lands as the case may be, opposes the same, then and in that event the matters in difference shall be submitted to, and be subject to the award of the arbitrators to be appointed under subsection 4 of this section, who, by their award may confirm, modify or vary or entirely reject the proposed reduction of area and detachment or separation of land, and in the event of entire rejection by the award of the said arbitrators no further proceedings shall be taken for a period of two years. Award.

(3) In the event of the proposed reduction of area and detachment and separation of lands not being entirely rejected by the arbitrators but by their decision taking effect in whole or in part, and in default of agreement between the municipalities interested, the arbitrators shall in their award determine the terms and conditions of said separation and the adjustment of assets and liabilities with respect to the lands so separated between the municipal corporation of such town or village and the municipality to which such lands shall be annexed, and who shall award the amount to be paid to the town or village from which such lands have been taken by the municipality to which they have been annexed and the amounts to be received by such last mentioned municipality from the town or village, together with such other terms and conditions as the said arbitrators may impose. Settling terms
of separation.

(4)—(a). One of the said arbitrators shall be appointed by the Lieutenant-Governor in Council; another shall be named by the council of the said town or village and the third arbitrator shall be appointed by the council of the municipality to which it is proposed to annex such lands. Appointment
of arbitrators.

(b) In case the council of such town or village or municipality, fails to appoint an arbitrator within six weeks after service of notice from the other municipality interested naming the arbitrator, or in case an arbitrator appointed by any such council, refuses to act, then in any or all of such cases, arbitrators to take their place shall be appointed by the Lieutenant-Governor in Council.

(c) In case of the death or incapacity of any such arbitrator occurring after his appointment, another arbitrator shall be appointed in his place by the same authority which appointed the arbitrator so dying or becoming incapacitated, and the provisions of clause (b) as to appointments by the Lieutenant-Governor in Council shall apply to the appointments to be made under this clause, where any council fails to appoint a new arbitrator within two weeks from the date of the death or incapacity of its arbitrator so dying or becoming incapacitated.

(d) The award of the said arbitrators, or a majority of them shall be binding and final.

(5) The fees of the arbitrators, including the cost of the award shall not in any case exceed \$75 and shall be paid by the Fees for
arbitrators.

7 s. the

the town or village municipality from which said lands are detached and the municipality to which said lands are annexed in equal shares.

Payment
of proportion
of debt.

(6) After the separation of such lands from the town or village, the municipality to which the same shall be annexed, shall pay to the town or village from which such lands have been taken, such part, if any, of the debts of the town or village as may have been agreed upon or determined by arbitration, and shall be entitled to receive from and be paid by the said town or village, the value of the interest which at the time of such separation the lands so separated had in the property or assets of the town or village as hereinbefore provided

New limits
to be defined.

(7) The application for separation of lands from such town or village under this section shall be by petition to the Lieutenant-Governor in Council and same shall define by metes and bounds the new limits intended for such town or village, but the town or village shall not, by such change of boundaries, be reduced in population below the number of seven hundred and fifty souls.

Municipal
privileges of
town or village
not affected.

(8) The municipal privileges and rights of the town or village shall not be thereby diminished or otherwise interfered with as respects the remaining area thereof.

Rev. Stat.
c. 223, s. 24,
subs. 1,
amended.

3. Section 1 of section 24 of *The Municipal Act* is amended by inserting therein after the word "proclamation" in the fifth line of the said subsection the words "to take effect on some day to be named therein or in any further proclamation in amendment thereof."

Rev. Stat.
c. 223, s. 70,
repealed.

4. Section 70 of *The Municipal Act* is repealed and the following substituted therefor :

Constitution
of councils in
cities, reduc-
ing number of
aldermen.

70. Subject to the provisions of section 71a of this Act, the council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward, to be elected in accordance with the provisions of this Act, provided always that the council of any city may on or before the first day of November in any year pass a by-law reducing the number of aldermen for each ward to two, and at the next municipal election and thereafter two aldermen shall be elected for each ward; but such by-law before the final passing thereof shall receive the assent of the electors of the municipality qualified to vote at municipal elections. Provided that this section shall not affect the right of any city to have four aldermen for each ward under the provisions of any special legislation in that behalf.

Rev. Stat.
c. 223, s. 80,
amended.

5. Section 80 of *The Municipal Act* is amended by inserting therein, after the word "trustee" in the eighth line, the words "and no member of a school board for which rates are levied," but this amendment shall not apply so as to disqualify any person elected prior to the passing of this Act.

6. Section 117 of *The Municipal Act* is amended by inserting therein after the word "be" in the third line thereof the words "whenever he shall think proper or." Rev. Stat. c. 223, s. 117, amended.

7. *The Municipal Act* is amended by adding thereto the following section immediately after section 119 :— Rev. Stat. c. 223, s. 95, amended.

119a. In cities having a population of 100,000 inhabitants, or more the council thereof may by by-law to be passed not later than the 15th November in any year, enact that the meeting of electors for the nomination of candidates for the offices of mayor and aldermen shall be held on the Monday preceding the last Monday in December, and that the meeting of electors for the nomination of public school trustees shall be held on the last Monday in December. Date of nomination in cities of 100,000.

8. Subsection 1 of section 128 of *The Municipal Act* is amended by adding at the end thereof the words "and be filed with the returning officer or the chairman within one hour from the time of opening of the meeting." Rev. Stat. c. 223, s. 128, subs. 1, amended.

9. Section 162 of *The Municipal Act* is amended by inserting therein the following as subsection (1a): Rev. Stat. c. 223, s. 162.

(1a) Any person who votes for aldermen or councillors in a city or town in which the aldermen and councillors are elected by general vote, after having already voted for aldermen or councillors in the city or town at some other polling place at that election, and any person who votes for aldermen in a division of a city in which the aldermen are elected in two electoral divisions after having already voted for aldermen in the same division, shall incur a penalty of \$50, to be recovered with full costs of suit by any person who shall sue for the same in a Division Court having jurisdiction where the offence was committed: and any person against whom judgment was rendered shall be ineligible either as a councillor or an elector at the next annual elections. Penalty for voting for alderman or councillors more than once.

10. Section 313 of *The Municipal Act* is amended by adding thereto the following subsection :— Rev. Stat. c. 223, s. 313, amended.

(2) Whenever by this Act any oath or affirmation or declaration is required to be taken or made by a deputy returning officer, and no special provision is made therefor, the same may be taken or made before the returning officer for the ward or municipality or before the poll clerk or before any Justice of the Peace having jurisdiction in the municipality; and the deputy returning officer or any Justice of the Peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act. Administration of oaths to deputy returning officers and poll clerks.

11. Sub-section 4 of section 384, and sub-section 1 of section 386 of *The Municipal Act* (as amended by section 15 of *The Municipal* Rev. Stat. c. 223, s. 384, subs. 4 and s. 386, subs. 1, amended.

Municipal Amendment Act, 1898) are amended by striking out in each of them the words "in towns having a population of 5,000 or under."

Rev. Stat.
c. 223 s. 484,
par. 4a,
amended.

12. Paragraph 4a of section 484 of *The Municipal Act* as amended by section 20 of *The Municipal Amendment Act, 1900*, is amended by inserting after the word "town" in the second line the words "or village."

Rev. Stat.
c. 223, s. 534,
amended.

13. Section 534 of *The Municipal Act* is amended by adding thereto the following:—

By councils of cities or towns:—

Taking site for
drill shed or
armoury.

(4) For entering upon, taking and acquiring so much land in the municipality as may be required for the purposes of a drill shed or armoury for any militia or volunteer force having their headquarters at the municipality, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of this Act, or for acquiring by purchase, with the consent of the owners thereof, such lands for the purposes aforesaid, and for issuing debentures of the corporation for the amount sufficient to pay such compensation, or purchase money, and any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures, and it shall not be necessary to obtain the consent of the electors to any by-law passed under this sub-section, but a two-thirds vote of the council shall be required.

Rev. Stat.
c. 223, s. 539,
amended.

14. Section 539 of *The Municipal Act* is amended by striking out the words added at the end of the said section by section 18 of *The Municipal Amendment Act 1901*, and inserting the said words at the end of the paragraph numbered 2 in the said section 539.

Rev. Stat.
c. 223, s. 542,
amended.

15. Section 542 of *The Municipal Act* is amended by adding thereto the following as subsection 17e:

Keeping and
storing of
gasolene.

17e. For regulating the keeping and storing of gasoline, for prescribing the materials of which vessels containing the same shall be composed and the classes of buildings in which the same may be stored and kept for sale, and for the prevention of accidents from the combustion or explosion of gasoline.

Rev. Stat.,
c. 223, s. 551,
amended.

16. Section 551 of *The Municipal Act* is amended by adding thereto the following subsections:

Cleaning earth
closets, etc.

4a. For directing and regulating the payment by the owners, lessees or occupants of real property of the expense of cleaning and disposing of the contents of earth closets, privies and privy vaults, and of adding such expense to the collectors' bill, and collecting the same in like manner and with other municipal taxes.

4b. A municipality may undertake the work in the last subsection

subsection referred to, as a municipal service, and in such event the said work shall be done exclusively by the officers and workmen employed by such municipality, in such service, and the municipality, its officers and workmen shall, in such case, have all the powers and authorities conferred upon the local board of health and its officers and workmen.

4c. A municipality may provide, by the same or any other by-law, for the collection in any other manner than by adding expense to the collector's roll for extra or other services set forth in such by-law or referred to in subsection 4a, or may collect for such services by action at law.

4d. A municipality or its officers may contract or agree with owners, lessees or occupants for the payment for services hereinafter referred to, and in default of payment may collect the amounts from time to time due under such contract by action at law or by adding the said amounts to the collector's roll and collecting the same with other municipal taxes.

17. Section 552 of *The Municipal Act* is amended by adding thereto the following subsections:

Rev. Stat.
c. 223, s. 552,
amended.

(2) By-laws may be passed by the councils of cities and towns for any of the purposes mentioned in section 551 as amended hereby and for establishing, maintaining and regulating a system of public scavenging or system for the collection and disposal of ashes, refuse and garbage within the municipality and for such purposes may, subject to the approval of the Provincial Board or Health, acquire by purchase or otherwise or enter upon and take with or without the consent of the owners thereof such land as may be necessary therefor and may erect thereon such buildings, plant and machinery as may be required, and may for the said purposes acquire such further plant, machinery, tools and material as the council may deem necessary; but where the amount required for acquiring the land and erecting and placing the necessary buildings, plant and machinery thereon exceeds the sum of \$2,000 the by-law shall require the assent of the ratepayers of the municipality before the final passing thereof.

Public scavenging system—establishment of.

(3) In case the council of the said corporation and the owner of any land taken or injuriously affected thereby under this section fail to agree as to the amount of the compensation to be paid to such owner, the same shall be determined by arbitration in the manner provided by *The Municipal Act*.

(4) The municipal corporation of such city or town for the purpose of providing the money for the acquisition of the necessary lands, buildings, plant and machinery, and for the initial establishment of the said system, may from time to time issue debentures of the said corporation for such sum as the council of the said corporation may deem expedient which said debentures shall be made payable not more than ten years from the day on which they shall respectively bear date. shall bear interest at a rate not exceeding 4 per cent. per annum, payable

payable half-yearly, shall be signed by the mayor and the treasurer of the said city or town for the time being, and may be made payable either in sterling money of Great Britain or in currency in Canada, in this Province or elsewhere, as the said corporation may deem expedient.

(5) For the payment of the debt and interest represented by the said debentures to be issued under the authority of subsection 4 of this section, there shall be annually raised, levied and collected by the corporation during the currency of the said debentures, a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the ratable or assessable property of the said corporation, according to the then last revised assessment roll thereof.

(6) In lieu of establishing a system of public scavenging as provided in subsection 2 of this section, the said corporation may contract with some person, firm or corporation for the removal of all ashes, refuse and garbage within the said city or town upon such terms and subject to such conditions, rules and regulations as the council may deem expedient, and the said council may pass by-laws for regulating the removal of such ashes, refuse and garbage under such contract.

(7) The council of the corporation of the city or town may from time to time pass by-laws dividing the said city or town into certain areas, districts or sections within which all ashes, refuse and garbage shall be collected, removed and disposed of, and may impose a special rate upon the assessed real property therein, according to the assessed value thereof, in order to pay all expenses incurred in collecting, removing and disposing of all ashes, refuse and garbage therein.

(8) No land within the said city or town shall be exempt from liability for assessment under subsection 7, but all land within the said city or town, no matter by whom owned or how or for what purpose or by whom used or occupied, shall be liable to assessment thereunder anything in any special or general Act or in any by-law to the contrary notwithstanding.

Rev. Stat.
c. 223, s. 557,
repealed.

18. Section 22 of *The Municipal Amendment Act 1901*, amending section 557 of *The Municipal Act* is repealed.

Rev. Stat.
c. 223, s. 577,
amended.

19. Section 577 of *The Municipal Act* is amended by adding the following subsection thereto:

Grants to
cemeteries.

3. For making annual or other grants of money to the owners or trustees of cemeteries situated within the municipality or any other municipality.

Rev. Stat.
c. 223, s. 566,
cl. 4,
amended.

20. Clause 4 of section 566 of *The Municipal Act*, as amended by section 35 of *The Municipal Amendment Act, 1899*, and by section 29 of *The Municipal Amendment Act, 1900*, is further amended by striking out all the words after the words "five years:

years" in the fifth line thereof down to and including the words "latest census" in the eleventh line.

21. *The Municipal Act* is amended by inserting the following section after section 566: Rev. Stat. c. 223, amended.

566a. By-laws may be passed by the municipal councils of cities, towns, incorporated villages and townships for the following purposes, that is to say: By-laws respecting the transmission of electricity over streets of municipality.

(a) For authorizing any person, firm or incorporated company supplying electricity for power, lighting or heating, to lay down pipes or conduits enclosing wires for the transmission of electricity under streets or public squares, or to carry wires for the transmission of electricity across or along any streets or public squares, or to erect poles in streets and public squares where necessary to support such wires, subject to such regulations as the council sees fit to impose.

(b) For authorizing any person, firm or incorporated company supplying steam for heat or power to lay down pipes or conduits for transmitting steam under streets or public squares, subject to such regulations as the council sees fit to impose. Transmitting steam over streets of municipality.

Provided that nothing contained in this section or in any by-law passed in exercise of the powers hereby conferred shall be taken or deemed to authorize the council of any municipality or any person to do any Act or to enter into any contract directly or indirectly in contravention of subsection 4 of section 566 of this Act and the clauses lettered *a* to *a9* appended thereto as enacted by section 35 of *The Municipal Amendment Act, 1899*, and the amendments thereto, or in contravention or violation of the true intent and meaning of any contract heretofore or hereafter entered into by any municipal corporation.

22. Sub-section 1 of section 567 of *The Municipal Act* is repealed, and the second sub-section thereof is amended by striking out the word "such," and by inserting after the word "town" in the first line the words "having a population of 5,000 or less, as ascertained by the latest census of Canada," and the third sub-section thereof is amended by striking out the words "such town" in the first and second lines, and the word "town" in the third line, and substituting in each place the words "city, town or village." Rev. Stat. c. 223, 567, subs. 1, repealed, subs. 2, amended.

23. Sub-section 5 of section 569 of *The Municipal Act* is amended by substituting the words "town or village" for the words "or town" in the nineteenth line thereof, and also in the twenty-ninth line thereof. Rev. Stat. c. 223, s. 569, subs. 5, amended.

By-laws re-
specting elec-
tric light or
water works
validated.

24. No by-law of any city, town or village heretofore passed creating or intending to create a debt for the erection, purchase, improvement or extension of gas, electric light or water works, and which has received the assent of the electors, or if for improvements or extensions has been approved by the Lieutenant-Governor in Council shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed by the said by-law for the repayment of the debt thereby created exceeds twenty-years, provided such period does not exceed thirty years, and to remove doubts it is hereby declared that the proviso of sub-section 5 of section 569 has, since the passage of *The Municipal Amendment Act, 1899*, applied to and included, and shall continue to apply to and include, villages as well as cities and towns.

Rev. Stat.
c. 223, s. 574,
subs. 5,
amended.

25. Sub-section 5 of section 574 of *The Municipal Act* enacted by section 19 of *The Municipal Amendment Act, 1898*, is amended by striking out the words " of over 100,000 inhabitants " and by inserting after the word " city " in the second line the words " or town."

Rev. Stat.c.
223, s. 583,
subs. 6
amended.

Preventing in-
decent posters.

26. Sub-section 6 of section 583 of *The Municipal Act* is amended by inserting after the word " force " in the second line thereof the following words " and for preventing the posting up or distributing in the said municipality of posters, pictures or hand bills which shall, in the opinion of the Police Commissioners, the Chief of Police, the Deputy Chief of Police, or any officer specially detailed for that purpose by the Police Commissioners, be indecent."

Rev. Stat.
c. 223, s. 583,
amended.

27. Section 583 of *The Municipal Act* is amended by inserting therein immediately after the paragraph numbered 26 the following :—

By the councils of towns and of cities having less than 100,000 inhabitants, and by the board of commissioners of police in cities having 100,000 inhabitants or more :—

By-laws re-
specting elec-
trical workers.

26a. For examining, licensing and regulating electrical workers.

By the councils of cities and towns :—

26b. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 26a.

Rev. Stat.,
c. 223, s. 591,
par. 12, cl. e,
repealed.

28. Clause e in paragraph number 12 of section 591 of *The Municipal Act* as amended by section 9 of *The Municipal Amendment Act, 1900*, is repealed and the following substituted therefor :—

Bonus not to
be granted to
industry
already estab-
lished
elsewhere in
the Province.

(e) No by-law shall be passed by the council of any municipality for granting a bonus to any industry already established elsewhere in the Province, or which has been removed to such municipality from another municipality in the Province. whether such industry is to be carried on by the same

same proprietor as in the locality from which it has been or is to be removed or is to be carried on by some other person deriving title or claiming through or under such proprietor or otherwise or by such proprietor in partnership with other persons or by a joint stock company or otherwise.

29. Sub-section 3 of section 606 of *The Municipal Act* is amended by inserting after the word "mayor" in the fourth line of the said sub-section the word "warden" and by inserting after the word "township" in the seventh line of the said sub-section the words "or a county."

Rev. Stat.
c. 223, s. 606,
subs. 3,
amended.

30. Sub-section 4 of section 632 of *The Municipal Act* is amended by striking out the words "A township or village" in the first line, and inserting the words "any municipality" in lieu thereof.

Rev. Stat.
c. 223, s. 632,
subs. 4,
amended.

31.—Section 637 of *The Municipal Act* is amended by adding thereto the following paragraphs after the paragraph number 10 in the said section.

Rev. Stat.
c. 223, s. 637,
amended.

10a. For contracting for the purchase, conditionally or otherwise, or for the rental for a term of years or otherwise, of road making machinery and appliances for public uses within the municipality, and such contract may provide that payment for such roadmaking machinery and appliances may be made in instalments extending over a period not exceeding five years.

Contracts for
purchase or
rental of
road making
machinery.

10b. For issuing debentures payable in not more than five years from the date of issue and for applying the proceeds of such debentures to paying for such road-making machinery and appliances, and it shall not be necessary to obtain the assent of the electors to any such by-law.

Issuing de-
bentures for
price.

32. Section 666 of *The Municipal Act* as amended by section 41 of *The Municipal Amendment Act, 1899*, is amended by striking out the words "adjoins and who" after the word "property" in the first line of the said amendment.

62 V. (2) c. 26
s. 41, amended.

33. Section 669 of *The Municipal Act* as amended by section 29 of *The Municipal Amendment Act, 1901*, is amended by striking out the words "and occupants" in the fourth line of the said amendment.

1 Ed. VII, c.
26, s. 29
amended.
Initiation
notice.

34. Subsection 2 of section 673 of *The Municipal Act* is amended by inserting after the word "is" in the third line of such subsection the following words, "proposed to be or is," and by inserting between the word "sewer" and the word "has" in the said line, the words "is proposed to be or".

Rev. Stat.
c. 223, s. 673,
ss. 2, amended.

35. Section 677 of *The Municipal Act* is amended by adding the following as sub-section 2—

Rev. Stat.,
c. 223, s. 677,
amended.

Permanent
sidewalks
in villages.

(2) For the purposes of this section in any city, town or village in which a by-law is in force providing for payment from the general funds of the municipality of not less than forty per cent. of the cost of such sidewalks, such sidewalks may, in addition to the materials mentioned in this section, be constructed of cement or brick.

Rev. Stat.,
c. 223,
amended.

36. *The Municipal Act* is amended by adding thereto the following as section 714a :

Adding ter-
ritory to
police village.

714a. On the petition of two-thirds of the ratepayers of a police village, and of the majority of the ratepayers in the territory proposed to be added, the council or councils of the county or counties in which the police village is situate, may by by-law enlarge the limits of the police village by adding adjoining lands thereto, and thereafter such adjoining lands so added shall form part of the police village.

Rev. Stat.
c. 223, s. 741,
amended.

37. Section 741 of *The Municipal Act* is amended by adding thereto the following words: "And may pass by-laws for entering into contracts for the supply of light or heat by any person or company to the police village or the residents therein," and doing all things necessary for such purposes within the limits of the police village.

62 V. (2) c. 26,
s. 46 repealed.

38. Section 46 of *The Municipal Amendment Act, 1899*, is repealed and the following substituted therefor :—

Ferries.

46. The council of any township, town or village may pass by-laws for the construction, purchase, or leasing of such ferries as may be required to be used on or over any navigable water separating a part of such municipality from any other municipality in the Province of Ontario, and may make an annual grant for the purpose of maintaining such ferries or any one or more of them.

By-laws
exempting
manufactur-
ers, etc.

39. Notwithstanding the provisions of section 11 of the Act passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, and chaptered 33, every municipal council shall, by a two-thirds vote of the members thereof, have the power by by-law in that behalf to extend to the 31st December, 1903, but no longer the operation of any by-law now in force which provides for exempting any manufacturing establishment or any building for the storage of ice for commercial purposes or any water works or water company in whole or in part from taxation, except as to school taxes, and any municipal council may give like exemptions to the same date by a two-thirds vote of the members thereof.

Commence-
ment of Act.

40. This Act shall take effect on, from and after the first day of May, 1902.

CHAPTER 30.

An Act to provide for the Incorporation of Towns in
Territorial Districts.*Assented to 17th March, 1902.*

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The inhabitants of any locality in any of the Districts of Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River, or partly in one and partly in another of said Districts, and whether or not such locality or any portion thereof lies within an existing municipal corporation, such locality having an area of not more than seven hundred and fifty acres, and having a population of at least five hundred souls, may be constituted a body corporate in the manner hereinafter provided to be called "The Corporation of the Town of _____" Incorporation of towns.

2. The Lieutenant-Governor, upon the receipt of a petition signed by at least seventy-five male inhabitants of any such locality, of the age of twenty-one years or over, which petition shall set out the metes and boundaries of the locality, and, approximately the number of persons resident therein, and about the area in acres of such locality, may, by Order in Council issue a proclamation under the Great Seal of the Province, declaring that from and after a day to be named therein, the said inhabitants shall be constituted a body corporate under the name of "The Corporation of the Town of _____" (naming the same), and such proclamation shall also describe the limits of the town, and shall state the date and place for the nomination of candidates for the first election of the municipal council of the town and the date and place for holding the said nomination and election, and shall appoint a returning officer to hold the said election, and shall name the time and place for summing up the votes and declaring the result of the election, and the time and place for the first meeting of the council of the town. Proclamation of incorporation.

3. The duties, powers and privileges of every town incorporated under this Act and of the council thereof, shall be similar to the duties, powers and privileges of towns, separated for municipal purposes from counties, and of the councils thereof under *The Municipal Act*, and the powers of such town shall be exercised by the council thereof. Powers, etc., of towns so incorporated.

Councils how
composed.

4. The council of every such town shall consist of a mayor, who shall be the head thereof, and six councillors, to be elected by general vote.

Application
of general
provisions.

5. Except as otherwise provided in this Act, all provisions of *The Municipal Act* which apply to first nominations and elections and to persons engaged in, or connected with, the holding of the same, and to the qualifications and disqualifications of electors and members of the councils, in new municipalities incorporated or erected under the provisions of the said *The Municipal Act* and to matters precedent, concurrent and subsequent to such nominations and elections, but connected therewith, or incidental thereto; and the provisions of all other general Acts which apply to such first nominations and elections, persons, qualifications, disqualifications and matters, shall, so far as can be, apply to the first nominations and elections, and to persons engaged in, or connected with the holding of the same, in towns incorporated under this Act, and to the electors therein, and to the councils thereof, and to the members of such councils.

Powers of
returning
officer.

6. Except as otherwise provided in this Act, the returning officer, named in the proclamation, shall, respecting the first nomination and election of the members of the council of any town incorporated under this Act, and respecting all matters pertaining or incidental thereto, perform all the duties, and be possessed of all the powers and privileges, required of and conferred upon clerks of municipalities by *The Municipal Act* respecting the first nominations and elections, and matters pertaining or incidental thereto in new municipalities incorporated or erected under the provisions of the said *The Municipal Act*; and the said returning officer shall be the clerk of such town until his successor is appointed and sworn in, in the manner provided in *The Municipal Act*.

Conduct of
elections
subsequent
to first.

7. All municipal elections subsequent to the first, in towns incorporated under this Act shall, subject as hereinafter mentioned, be held at the times, and conducted in the manner provided by *The Municipal Act* but in no case shall the second election be held within a shorter period than six months from the date of the first election.

Where lands
were formerly
wholly or
partly within
another mun-
cipality.

8. In case any locality, the inhabitants of which are incorporated as a town under this Act, was formerly wholly or partly within the limits of another municipality howsoever incorporated, the said town, shall by virtue of such incorporation be separated from such other municipality for municipal purposes, and all the provisions of *The Municipal Act* respecting the matters consequent upon the incorporation or erection of new municipalities and the separation of lands from existing municipalities shall, so far as can be, apply to such cases of incorporation as aforesaid under this Act.

9. The provisions of *The Municipal Act* relating to matters consequent upon the formation of new corporations, and all the provisions of the said Act, and of all other general Acts applicable to towns incorporated or erected under *The Municipal Act* and separated for municipal purposes from counties, shall, so far as can be, and except as otherwise provided by this Act, apply to towns incorporated under this Act and to councils and officers thereof.

Application of general law as to new corporations.

10. The expense incurred in procuring incorporation of a town under this Act, and in all matters whatsoever connected therewith or incidental thereto, shall be borne by the town so incorporated, and paid by it to any party entitled thereto.

Expense of incorporation.

11. The Act passed in the 1st year of His Majesty's reign and chaptered 27 being *An Act to provide for the incorporation of Towns in Territorial Districts* is repealed.

1 Edw. VII., c. 27 repealed.

CHAPTER 31.

The Assessment Amendment Act, 1902.

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.
c. 224, s. 18,
repealed.

1. Section 18 of *The Assessment Act*, and sections 18a and 18b of the said Act as enacted by section 2 of the Act passed in the first year of His Majesty's reign, chaptered 29, are repealed and the following substituted therefor :—

Land, where
to be assessed.

18. Except as hereinafter provided for land shall be assessed in the municipality in which the same lies and in case of cities and towns in the ward in which the property lies and where any business is carried on by a person in a municipality in which he does not reside or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated and against the person in possession or charge thereof as well as against the owner.

Assessment of
lands of water,
heat, light,
power,
telephone,
telegraph,
street railway
and electric
railway
companies.

(2) The land of companies for supplying water, heat, light and power to municipalities and the inhabitants thereof, telephone companies, telegraph companies, and companies operating street railways and electric railways shall in municipalities divided into wards be assessed in the ward where the head office of such company is situated if such head office is situated in such municipality, but if the head office of such company is not in such municipality then the assessment may be in any ward thereof.

Superstruc-
tures and
substructures
of such
companies
to be "land."

(3) The rails, ties, poles, wires, gas and other pipes, mains, conduits, substructures and superstructures upon the streets, roads, highways, lanes and other public places of the municipality belonging to such companies shall be "land" within the meaning of *The Assessment Act* and shall when and so long as in actual use be assessed at their actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises in and from the municipality and subject to similar conditions and burdens, regard being had to all circumstances adversely affecting their value including the non-user of any of such property, provided that the plant, poles and wires which are used exclusively in running trains or for any other purposes of a steam railway and not for commercial purposes shall be as heretofore exempt from municipal assessment or taxation.

Proviso.

(4) Save as aforesaid rolling stock, plant and appliances of companies mentioned in subsection 2 hereof shall not be "land" within the meaning of *The Assessment Act*, and shall not be assessable. Rolling stock, etc., not to be assessable.

(5) In the case of any bridge belonging to or in possession of any person or incorporated company, which crosses any river forming the boundary between the Province of Ontario and any other country or province, which is liable to assessment, the part of such structure within Ontario shall be valued as an integral part of the whole and on the basis of the valuation of the whole, and at their actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises and subject to similar conditions and burdens but subject to the provisions and basis of assessment set forth in subsection (3) hereof. Any bridge belonging to or in possession of any person or company between two municipalities in the Province shall also be valued as an integral part of the whole and on the basis of the valuation of the whole. Bridges over international boundary lines.

(6) Nothing in this Act contained shall prejudice or affect any action, proceeding or appeal concerning any assessment now pending. Pending proceedings not affected.

2. Subsection 4 of section 184 of the said Act is repealed and the following substituted in lieu thereof:—

Rev. Stat. c. 224, s. 184, subsec. 4, repealed.

The treasurers of the Townships of York, Scarborough and Etobicoke shall not be obliged to sell for taxes only a portion of any vacant lot originally laid out according to any registered plan, the frontage of which lot liable to be sold for taxes does not exceed fifty feet, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect to which taxes are in arrears, for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per cent. of the sale price and less such charges and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same. And it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the party redeeming shall pay ten per cent. upon the whole amount realized in respect thereof notwithstanding section 200 of *The Assessment Act*.

Mode of selling for taxes in York, Scarborough and Etobicoke.

CHAPTER 32.

An Act to amend The Municipal Drainage Act.

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 226
amended.

Assessment of
compensation
for damage
to low lands
instead of
constructing
drain to an
outlet.

1. *The Municipal Drainage Act* is amended by inserting therein the following section 8a:—

8a. Where, in the opinion of the engineer or surveyor, the cost of continuing the drainage work to a point where the discharge of water will do no injury to lands and roads, will exceed the amount of injury likely to be caused to low lying lands below the termination of the work, he may instead of continuing the work to such a point, include in his estimate of the cost of the drainage work a sufficient sum to compensate the owners of such low lying lands for any injuries they may sustain from the drainage work, and he shall in his report determine the amount to be paid to the respective owners of such low lying lands in respect of such injuries.

Rev. Stat.
c. 226, s. 9,
sub-s. 6
amended.

2. Subsection 6 of section 9 of the said Act is amended by striking out the words "the next preceding subsection" and inserting in lieu thereof the words "this section."

Rev. Stat.
c. 226, s. 9,
sub-s. 7
amended.
Notice to own-
ers for whom
compensation
assessed.

3. Subsection 7 of the said section 9 is amended by adding at the end thereof the following words "and he shall also in like manner notify each of the owners of lands in respect of which the report provides for compensation of the date of filing the report, the amount awarded to such owner for compensation and the date of the council meeting at which the report will be read and considered."

1 Edw. VII.,
c. 30 s. 5,
amended.

4. Section 5 of the Act passed in the 1st year of His Majesty's reign chaptered 30 is amended by adding the following as subsection 2 thereof:

References in
pending
actions.

(2) But nothing herein shall affect pending litigation in respect to the power of the Court or Judge to refer the same for trial to the said Referee and this amendment shall have the same force and effect as if it had been passed with and formed part of the said section 5.

CHAPTER 33.

An Act respecting the Sale of Intoxicating Liquors
in the Province of Ontario.*Assented to 17th March, 1902.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Liquor Act, 1902*.

PART I.

2. There shall be submitted to the vote of the electors hereinafter declared entitled to vote thereon the following question:—

Question to be
submitted to
electors.

Are you in favour of bringing into force *The Liquor Act, 1902*.

- (2) The voting shall take place upon the said question in all the electoral districts in this Province on the 4th day of December in the year 1902, being the first Thursday in said month.

Proclamation
to name date
of voting.

3. The persons entitled to vote upon the said question shall be all persons whose names shall appear on the voters lists used or which would have been used had a poll been held at the next general election of members to serve in the Legislative Assembly, held after the passing of this Act, as entitled to vote and who were entitled to vote at the said election, and who shall have been from the date of the said general election and until the date of voting on the said question residents of and domiciled in the Province of Ontario and whose names are duly entered in the poll books to be used for the purpose of the voting under this Act.

Who may
vote.

- 4.—(1) The Lieutenant Governor in Council shall appoint a returning officer for each electoral district to take the said vote.

Returning
officer.

- (2) In case any person so appointed shall refuse to act, or shall be absent or shall be or become incapacitated or unable from sickness or any other cause, or dies after such appointment, the Lieutenant-Governor in Council may appoint some other person as returning officer.

(3) No person shall be appointed to act as returning officer, or deputy returning officer, or as returning officer's clerk or poll clerk under this Part who is disqualified from acting in the like capacity under section 24 of *The Ontario Election Act*. And in case any person acts in contravention of this sub-section he shall incur a penalty of \$200.

Writ and documents to be forwarded to returning officers.

5.—(1) The Clerk of the Crown in Chancery shall issue a writ in His Majesty's name to every returning officer requiring him to hold a poll for taking the votes upon the said question and shall supply him with a sufficient number of blank poll-books for the purpose of such voting, having regard to the number of polling sub-divisions within the electoral district, and the blank voters' lists in such poll-books shall be in Form 5 in Schedule A to this Act, and each of such poll-books shall show the date of the polling day and shall contain the following blank forms :

Rev. Stat., c. 7.

1. Commission of deputy returning officer.
2. Oath of deputy returning officer.
3. Copy of the certificate of the clerk of the municipality showing the time fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the county judge under section 17 of *The Ontario Voters' Lists Act*.
4. Commission of poll clerk.
5. Oath of poll clerk.
6. Oath and affirmation of secrecy.
7. Schedules for names of persons voting under certificates.
8. Schedule of voters whose ballot papers have been marked under section 61.
9. Schedule for "Notes of objections" to ballot papers under section 65.
10. Statement of the poll after counting the ballot papers.
11. Ballot paper account.
12. Oath of deputy returning officer after closing the poll.
13. Oath of poll clerk after closing the poll.
14. Copy of certificate of clerk of municipality as to dates of return and final revision of the assessment roll.

(2) The Clerk of the Crown in Chancery shall at the same time transmit to every returning officer as many copies of the notice as to secrecy set out in Form 10 in the Schedule A to this Act as will be sufficient to supply every deputy returning officer with three copies, and the deputy returning officer shall placard one copy of such notice conspicuously outside the polling place, and one copy he shall placard conspicuously inside the polling place, and he shall see that they remain so placarded from the opening until the close of the poll.

6.—(1)

AGENTS.

6.—(1) Every returning officer appointed for the purpose of this Act shall by writing under his hand appoint from among the applicants for such appointment, or on behalf of persons applying to have such appointment made, two agents to attend at each polling place, and at the final summing up of the votes on behalf of those desirous of obtaining an affirmative answer to the question, and two agents so to attend on behalf of those desirous of obtaining a negative answer.

Appointment
of agents.

(2) Before any person so appointed enters upon his duty as agent he shall make and subscribe before the returning officer, or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question; which declaration may be in the Form 11 in the Schedule A to this Act.

Declaration.

(3) No person shall be so appointed who is not a resident of the electoral district in which he is to act.

To be resident
of electoral
district.

(4) Every person so appointed, before being admitted to the polling place, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment.

To produce
appointment
before acting.

(5) In case no person has been appointed as aforesaid to attend at any polling place, or at the final summing up of the votes, or in the absence of any person so appointed, any electors, not exceeding two in the same interest, may, upon making and subscribing a declaration to the above effect, before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling place or to the final summing up of the votes as agents on behalf of that interest.

Wherein ap-
pointment has
been made.

PROCLAMATION OF POLLING.

7.—(1) The returning officer, shall by a proclamation under his hand in the words in Form 1 in Schedule A to this Act, declare the place, day and hour at which a poll shall be opened in each polling subdivision for taking and recording the votes of the electors upon the said question.

Proclamation
of time and
place of
voting.

(2) The returning officer shall cause the proclamation to be posted up in the town hall of every municipality in the electoral district, at every post office, and in at least one public place in each polling subdivision in the electoral district.

Posting
proclamation.

(3) It shall not be necessary in Districts without county organization to post up the proclamation for holding the voting at every post office in the electoral district, but the proclamation shall be posted in some public place in the neighbourhood of each place at which a poll is required to be held.

In unorgan-
ized districts.

Time for
posting up.

(4) The said proclamation shall be posted at least fifteen days before the day fixed for the polling.

Penalty for
not posting up
proclamation.

8. A returning officer refusing or neglecting to cause such proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of \$200.

When voting
postponed.

9. In cases where from unforeseen delays, accident or otherwise, the proclamation for holding the poll could not be posted up so as to leave the required delay between the posting up of the proclamation and the polling day named in this Act, or by the returning officer, as the case may be, and in cases where from unforeseen delays, accidents, or otherwise as aforesaid, it is impossible to hold the polling within the prescribed hours on the day fixed for that purpose the returning officer may fix a day for the polling; and in such case the voting shall be on the nearest day practicable, not being a Sunday or statutory holiday, after allowing the number of days required by law between the posting up of the proclamation and the day of polling; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the voting.

POLLING PLACES.

Polling places
in each polling
subdivision.

10.—(1) The returning officer shall also, on receiving the writ, fix one polling place for each subdivision into which a city, town or other local municipality is subdivided, in the most central and convenient place for the electors of such subdivision; but the number of polling places now required by law at elections in cities and towns shall in no case be diminished, except as hereinafter provided, and the polling places shall be at least one hundred yards distant from each other in cities, towns and incorporated villages, and at least one mile distant from each other in other local municipalities.

Additional
polling places
in discretion
of Returning
Officer.

(2) A returning officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary.

Returning
Officer may
unite polling
subdivisions
in cities.

(3) In cities, the returning officer may in his discretion unite two or more adjoining polling subdivisions and fix one polling place for the united subdivision: Provided always that such united polling subdivision shall not contain more than 200 voters.

Polling place
not to be
tavern.

(4) The building in which the poll is held shall not be a tavern or place of public entertainment; and there shall be free access to the poll for every elector.

Polling places
in cities

(5) In cities the returning officer shall provide suitable polling places, but shall before so doing, when practicable, confer

fer with the city clerk or treasurer, and the expense thereof not exceeding four dollars for each polling place, shall be paid by the treasurer of the city upon the order of the returning officer.

11. Every polling place shall be furnished with compartments in which the voters can mark their votes screened from observation; and it shall be the duty of the returning officer and the deputy returning officer respectively, to see that a sufficient number of compartments is provided at each polling place.

Compartment
for voters to
mark ballots.

BALLOT BOXES.

12.—(1) The returning officer shall also, on receiving the writ, procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are polling sub-divisions within the electoral district, and the clerk of the municipality or other person having custody of the ballot boxes used in parliamentary or municipal elections shall deliver the same to the returning officer on demand.

Ballot boxes to
be furnished.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

How made.

(3) If the returning officer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Penalty on
failure to
furnish boxes.

OATH OF RETURNING OFFICER.

13. Every returning officer shall, before the day fixed for opening the poll take and subscribe before a Justice of the Peace for the county or district in which he resides, the oath Form 2 in Schedule A to this Act; and a returning officer who refuses or neglects to take and subscribe the oath, shall, for such refusal or neglect, incur a penalty of \$40.

Oath of Re-
turning Offi-
cer.

Penalty.

RETURNING OFFICER'S CLERKS.

14. Every returning officer shall, at least seven days before the polling, appoint, by a commission under his hand, to the effect of Form 3 in Schedule A to this Act, a fit person to be his clerk, and to assist him in the performance of his duties as returning officer.

Returning
Officer to ap-
point a Clerk.

15. The returning officer's clerk shall before entering upon his duties take and subscribe, either before a Justice of the Peace

Oath
Returning
Officer's Clerk

Peace for the county or district in which he resides or before the returning officer, the oath Form 4 in Schedule A to this Act.

Oaths may be printed or written on back of writ.

16. The oaths and commission mentioned in the three preceding sections may be either printed or written or partly printed and partly written on the back of the writ.

Penalty for refusing to act

17. A person so appointed as returning officer's clerk who refuses to accept the office, or who, having accepted it refuses or neglects to take and subscribe the oath, or to perform the duties of returning officer's clerk, shall, for such refusal or neglect, incur a penalty of \$40.

Provision in case of death, etc., of returning officers' clerk.

18. The returning officer may, either before or after the nomination day, appoint, in the manner above mentioned, another person as his clerk, whenever the case requires, either by reason of the death, illness or absence of the clerk previously appointed, or of his refusal or neglect to act, or otherwise; and the new clerk so appointed shall perform all the duties and comply with all the obligations of his office, under the same penalty, in case of refusal or neglect on his part, as is hereinbefore imposed in case of the refusal or neglect of the clerk to act, and the appointment and oath of a clerk appointed under this section shall be either endorsed on or attached to the writ of election and shall be in accordance with the provisions of sections 14 and 15 of this Act.

Provision in case of death etc., of Returning Officer.

19. Whenever a returning officer becomes unable to perform the duties of his office, whether by death, illness, absence or otherwise, the clerk by him appointed as aforesaid, unless another returning officer is duly appointed under section 4, shall, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed in like cases on the returning officer, act as, and shall be returning officer for the election, and shall perform all the duties and be subject to all the obligations of that office, in like manner as if he had been duly appointed returning officer, and without being required to possess any other qualification, or to take any new oath.

POLLING SUB-DIVISIONS.

Polling sub-divisions.

20. The polling sub divisions for the purpose of taking the vote upon the said question shall be the same as at the said general election, and a poll book for each sub-division containing the names of all persons entitled to vote therein according to Form 5 given in Schedule A to this Act shall be furnished for every polling place appointed therefor.

Polling places in districts.

21. In any electoral district or in any part of an electoral district which comprises territory without county organization, polls

polls shall be opened and held at each of the places at which a poll shall have been opened and held at the next general election of members to serve in the Legislative Assembly, or in case such election has been by acclamation, then at each of the places at which a poll would have been opened and held had such an election been contested.

22. There shall be at least one polling place in every municipality for which there is an assessment roll. One polling place for each municipality.

HOURS OF VOTING.

23.—(1) On the day of polling the voting shall commence at nine o'clock in the forenoon, and shall finish at five in the afternoon of the same day, and the votes shall be given by ballot. Hours of voting.

(2) A voter entitled to vote within a city or town shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service or employment in which he is then engaged or employed, from the hour of noon in the day-time until the hour of two of the clock next thereafter, and a voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled; Provided, that if so required by the person in whose service or employment the voter is so engaged or employed, the voter so absenting himself shall, at some other time during the same or the following week employ himself in and about such service or employment for one hour more than the hours of the usual and ordinary day's work or service otherwise required to be performed by him; Provided, moreover, that this sub-section shall not apply where a voter is by his employer or master permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote. Right of employee to time for voting. Proviso. Proviso.

DEPUTY RETURNING OFFICER.

24. For the purpose of taking the votes on the said question, the returning officer shall, by a commission under his hand, in the words or to the effect of Form 6 in Schedule A to this Act, and being Form 1 in the poll book appoint some suitable person, being a voter in the local municipality in which he is to act, to be deputy returning officer for every polling subdivision in which a polling place is to be opened and kept, and shall thereby require the deputy returning officer to open and hold the poll according to law, at the time and place fixed as hereinbefore provided, and at the poll to take and record in the voters' list in the poll book the particulars relating to electors voting at the

the polling place, which by this Act he is directed to take and record.

Oath of
office, etc.

25. Every deputy returning officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the returning officer, the oath Form 8 in Schedule A to this Act, being Form 2 in the poll book.

Penalty for re-
fusing to per-
form duties of
office.

26. A person so appointed a deputy returning officer who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath or to perform the duties of a deputy returning officer, shall, for his neglect or refusal, incur a penalty of \$100.

Provision in
case of death,
etc., of deputy
returning
officer.

27. The returning officer may appoint, in the manner above provided, another person to be deputy returning officer, when and so often as the case may require the appointment, either by reason of the death, illness or absence of a deputy returning officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise: and the new deputy returning officer so appointed shall perform all the duties and be subject to all the obligations of the office under the same penalties, in case of refusal or neglect on his part, as are hereinbefore imposed in like cases, and the appointment and oath of the person so appointed shall be similar in form to those provided for by sections 24 and 25 of this Act and the same shall be endorsed upon or attached to the poll book.

BALLOT PAPERS.

Ballot papers
to be supplied
by Clerk of
the Crown in
Chancery.

28.—(1) The Clerk of the Crown in Chancery shall supply every returning officer with such a number of ballot papers as will be sufficient for the purposes of the election; and the number necessary for each polling subdivision shall be bound or stitched in a book of convenient size, and in such manner that the counterfoils shall continue bound or stitched when the ballot papers are detached therefrom.

Counterfoil.

(2) Every ballot paper shall have a counterfoil attached thereto; and every ballot paper and every counterfoil shall specify the name of the electoral district for which it is to be used and every ballot paper shall have a number printed on the back thereof, and the same number shall be printed on the face of the counterfoil attached thereto, but the same number shall not be printed on more than one ballot paper to be used for the electoral district.

Returning
officer to fur-

29. (1) The returning officer shall, before the opening of the poll, deliver or cause to be delivered to every deputy return-

ing officer, the books containing the ballot papers, with their respective counterfoils attached, which have been prepared for use in the polling subdivision for which the deputy returning officer is appointed to act; and shall also furnish to the deputy returning officer, or see that he is furnished, with the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the deputy returning officer, for the convenient use of voters, and the deputy returning officer shall forthwith enter in Form 11 in the poll book and being Form 22 in Schedule A hereto the number of ballot papers received by him from the returning officer opposite the words, "Ballot Papers."

(2) The ballot papers for the purpose of voting under this Act shall be in the following form :—

	YES.	NO.
Are you in favour of the bringing into force of <i>The Liquor Act, 1902</i> ?		

(3) An affirmative vote on the question submitted, shall be made by placing a cross (thus **X**) in the column headed "Yes," and a negative vote by placing a similar cross in the column headed "No."

BALLOT BOXES.

30. It shall be the duty of the returning officer, two days at least before the polling day, to deliver one of the ballot boxes to every deputy returning officer appointed for the purposes of the election.

31. It shall be the duty of the deputy returning officer in every polling subdivision not supplied with a ballot box within the time prescribed in the next preceding section, forthwith to procure one to be made.

CERTIFICATES AS TO ASSESSMENT ROLL.

32.—(1) The returning officer shall, before the opening of the poll, obtain from the clerk of the municipality, the certificates hereinafter mentioned that is to say :

- (a) A certificate shewing the day fixed for the assessor to begin to make the assessment roll on which the Voters' List proper to be used for the purposes of the voting on the said question is based, and shewing also the last day on which a complaint could be made to the County Judge under section 17 of *The Ontario Voters' Lists Act* in respect of any error

or omission in the said Voters' List, and such certificate shall be in the Form 8 in Schedule A hereto;

- (b) A certificate shewing the day when the assessment roll, upon which the said voters' list is based, was returned by the assessor, and also the day upon which the same was finally revised and corrected, and such certificate shall be in the Form 9 in Schedule A to this Act.

(2) The returning officer shall immediately enter copies of the said certificates in the proper poll books in Forms 3 and 14, in such poll books and shall certify thereunder that the same are true copies of the original certificates received by him from the said clerk.

Clerk to give certificate.

33.—(1) The clerk shall give the said certificates upon being required so to do by the returning officer or any other person who applies for the same, and shall be subject to a penalty of \$200 in case of neglect or refusal.

Fee.

(2) For every such certificate the clerk shall be entitled to receive the sum of twenty-five cents.

Certificate to be evidence of dates.

34.—(1) The copies of the said certificates in the poll book shall be the evidence upon which the deputy returning officer shall act in inserting in the oath to be administered to voters the date of the return, or final revision, of the assessment roll, and the date for beginning to make the assessment roll, or the last day for making complaints as aforesaid, as the case may be.

References to last day for making complaints under Rev. Stat. c. 7.

(2) Where in any of the certificates or forms to be used at the voting on the said question, reference is made to the last day for making a complaint to the County Judge, it shall not be necessary to specify any section of *The Ontario Voters' Lists Act, 1889*, or of the Revised Statute respecting Voters' Lists, 1897, but it shall be sufficient to refer to *The Ontario Voters' Lists Act*.

LISTS OF VOTERS.

What voters' list to be used.

35. Subject to the provisions in the next six sections contained, the first and third parts of the list of voters certified by the Judge, and delivered or transmitted to the Clerk of the Peace, under *The Ontario Voters' Lists Act*, before the date of the writs for the said next general election, shall be the proper list to be used at the voting on the said question.

Rev. Stat. c. 7.

Only the persons named in list in poll book to vote.

36. No person shall be admitted to vote unless his name appears on the list in the poll-book; and no question of qualification shall be raised except to ascertain whether the person tendering his vote is the same person intended to be designated in the said list.

37. Where a voters' list embraces territory comprising portions of two or more electoral districts, every clerk of the peace under the direction of the returning officer shall enter the names of the voters in such territory in the proper poll book or books.

Where voters' list embraces portions of Electoral Districts.

38. Every returning officer, shall deliver to the clerk of the peace as many blank poll books as there are polling subdivisions in the electoral district, and the said clerk of the peace shall without delay enter or cause to be entered in the poll book for each subdivision from the proper list of voters the name of every person appearing therefrom to be entitled to vote within the sub-division for which the said poll book is required, and the said clerk of the peace shall add to each poll book a certificate to the effect that the said poll book contains a true copy of the proper list of voters for the said polling subdivision; and the said poll books completed as aforesaid shall be re-delivered to the returning officer within four days from the date of their receipt by such clerk of the peace in blank, and the returning officer shall immediately cause the said poll books to be delivered to the deputy returning officers appointed to hold the polls throughout the electoral district.

Clerk of the Peace to enter names on voters' list in poll book.

39. The clerk of the municipality who has the custody of a voters' list shall, if required by the returning officer, discharge the duties in and by section 38 assigned to the clerk of the peace.

40.—(1) In the case of cities and of towns to which *The Manhood Suffrage Registration Act* applies, the clerk of the peace, when entering into the poll book under the next preceding section the names of persons appearing to be entitled to vote within the subdivision for which the poll book is required, shall write on the first line of the poll book, in red ink, the words "Voters entitled under the joint municipal and assembly list," and shall, in the first place, enter in the poll book the names of the persons whose surnames commence with the letter A, and who are under the said joint municipal and assembly list, as revised by the Judge, entitled to vote at both municipal elections and elections to the Legislative Assembly, and no other names.

Poll books,—mode of entering names.

(2) When the said clerk of the peace completes the list of names commencing with A, as aforesaid, he shall write on the line immediately below the last of said names the following words, in red ink, "Voters entitled under Manhood Suffrage." The clerk of the peace shall then enter in the said poll book the names of the persons whose surnames commence with A, appearing in the last list of manhood suffrage voters prepared under *The Manhood Suffrage Registration Act*.

Entry at end of each alphabetical list.

Rev. Stat. c. 8.

(3) The clerk of the peace shall in like manner proceed with the other names on the list revised by the Judge, and the list

list

list of manhood suffrage voters, until he has entered in alphabetical order the names of all persons who are, under the said list as revised by the Judge, entitled to vote at both municipal elections and elections to the Legislative Assembly and all the names appearing in the said list of manhood suffrage voters, under headings distinguishing the different classes as aforesaid.

Signature of
clerk of the
peace.

(4) The clerk of the peace shall sign his name immediately under the last name of each initial letter.

Certificate of
clerk of the
peace.

(5) The clerk of the peace shall on the last page of the poll book certify the date on which, as appearing by the registrar's certificate appended to his list, the first sitting was held for the preparation of the manhood suffrage voters' list.

Deputies to
prefix num-
bers to names
in poll books.

41. The deputy returning officer shall, upon receiving the poll books containing the voters' list for the polling subdivision for which he is to act, prefix a number to every name in such list, and the numbers so prefixed need not be consecutive numbers, but may be chosen arbitrarily by the deputy returning officer; but the same number shall not be prefixed to more than one name; and the deputy returning officer shall take all necessary precautions for concealing and shall conceal from all persons (except the poll clerk) the numbers so prefixed by him to the names in such list.

POLL CLERKS.

Appointment
of poll clerks.

42.—(1) Every deputy returning officer shall, by a commission under his hand and according to Form 12 in Schedule A to this Act, and being Form 4 in the poll book, appoint a poll clerk who shall be a resident of the municipality in which he is to act, to assist him in taking the poll according to law; and every poll clerk appointed as aforesaid shall, before acting, take and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the returning officer, or deputy returning officer, the oath Form 13 in Schedule A to this Act, being Form 5 in the poll book.

Penalty.

(2) Every person so appointed a poll clerk who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a poll clerk, shall, for such neglect or refusal, incur a penalty of \$40.

Poll clerk to
aid deputy
returning
officer.

43. Every poll clerk shall, at the polling place for which he is appointed, aid and assist in the performance of the duties of his office the deputy returning officer appointed to open and keep the poll in conformity with this Act, and shall obey the orders of the deputy returning officer.

To act as
deputy re-
turning officer
in certain
cases.

44. If the deputy returning officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence or otherwise, and if no other deputy returning officer duly appointed by the returning

ing officer in the place of the former appears at the polling place, then the poll clerk shall, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, act at the poll as deputy returning officer, and perform all the duties and be subject to all the obligations of that office, in the same manner as if he had been appointed deputy returning officer by the returning officer, and without being bound to take a new oath for that purpose.

45. Where any poll clerk, as hereinbefore provided, acts as deputy returning officer, he may appoint by a commission under his hand, according to Form 12 in Schedule A to this Act, another person as poll clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such poll clerk the oath required of a poll clerk by this Act; and the poll clerk so appointed shall have the same duties and be subject to the same obligations as if he had been appointed poll clerk by the deputy returning officer himself, and such commission and oath shall be endorsed on or attached to the poll book.

In which case he may appoint another poll clerk.

46. Where a poll clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty, or becomes unable to perform it, either by death, illness, absence or other cause, the deputy returning officer, whose poll clerk he was, may appoint by a commission under his hand, according to Form 12 in Schedule A, another person as poll clerk at the polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a poll clerk by this Act, and such commission and oath shall be endorsed on or attached to the poll book.

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

WHERE VOTERS TO VOTE.

47. In case the name of a person entitled to vote is entered on the list of voters for more than one polling subdivision in an electoral district, such person shall only vote at the polling place for the subdivision in which he resides, if entitled to vote in such subdivision, under a penalty of \$200, but this provision shall not affect his right to vote in another polling subdivision under a certificate properly granted under section 49 of this Act.

Voter to vote in subdivision in which he resides.

48. Where the voters' list to be used at the voting on the said question has been prepared under Part III of *The Ontario Voters' Lists Act* for any territory for which there is no assessment roll, subject to section 49, every person named therein may vote at the polling place assigned to him by such voters' list and not elsewhere.

Where voter to vote where no assessment roll.

Rev. Stat. c. 7.

49.—(1) The returning officer, on the request of any elector entitled to vote who has been appointed deputy returning Officer or poll clerk, or who has been named an agent

Deputy Returning Officers and agents may at

vote at polling places where they are employed at a polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is stationed during the polling day.

on production of certificate of returning officer.

(2) On the production of the certificate the elector shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the polling subdivision where he would otherwise have been entitled to vote; but no such certificate shall entitle an elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk or agent during the day of polling or shall entitle an agent to vote who is disqualified under section 6 of *The Ontario Election Act*.

Limitation of number of certificates to agents of candidates.

(3) No Returning Officer shall, under a penalty of \$400, give to more than two agents in the same interest at one polling place, a certificate under this section; and every such certificate shall name the polling place at which the agent is to be permitted to vote and the interest in which he acts as agent; nor shall a returning officer issue a certificate under this section except upon the personal or written request of the elector; and no such certificate shall be signed by the returning officer until the name, residence, and occupation of the person to whom it is to be granted have been inserted therein.

Person receiving a certificate to take oath of qualification before voting.

(4) No person who receives a certificate under this section whether as deputy returning officer, poll clerk or agent, shall thereafter either at the polling place named in the certificate, or at any other polling place, vote upon the said question, until he has taken at the polling place where he proposes to vote, one or other of the oaths of qualification prescribed to be taken by voters, and any person violating the provisions of this subsection shall be subject to a penalty of \$400; and every vote cast in contravention of this subsection shall be null and void.

Before whom oath to be taken.

(5) The oath of the deputy returning officer shall be taken before the poll clerk, and the oath of a poll clerk or agent shall be taken before the deputy returning officer as in the case of other voters.

Returning Officer to keep a list of persons obtaining certificates.

(6) Every returning officer shall, before delivering the certificate, enter in a list (to be kept by him for a year after the election), the name and qualification of every person to whom he gives a certificate under this section, the polling place at which such person is, under the certificate, authorized to vote, and stating whether the certificate is granted to him as deputy returning officer, poll clerk or agent; and, if as agent, the interest in which he acts as agent; the returning officer shall also in the list enter the name of every person applying for a certificate to whom it is refused, with the ground of refusal, and, if the last mentioned person claimed to be an agent, the interest in which he claims to act.

(7) The deputy returning officer shall enter, or cause to be entered, in the proper schedule in the poll book, Form 7, the name, place of residence and occupation of every person (including himself if he so votes) voting under the authority of a certificate given under this section. The deputy returning officer shall also shew in said schedule what form of oath was administered to such person in the following manner, namely, by entering in the said schedule opposite the name of such person; "Sworn, Form 16," or otherwise as the case may require."

Entry on list of persons voting under authority of a certificate.

(8) Every person proposing to vote by virtue of a certificate aforesaid, shall with his ballot paper deliver up to the deputy returning officer the certificate, and the deputy returning Officer shall, at the close of the poll, enclose all the certificates received by him, in package (g) mentioned in section 68 of this Act.

Certificate to be delivered to Deputy Returning officer by person voting.

50. In case of a deputy returning officer voting at the polling place where he has been appointed to be deputy returning officer, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk any agent authorized to be present, may administer to the deputy returning officer the oath required by law to be taken by voters.

Administration of oath to deputy returning officer voting at his polling place.

THE POLL.

51. The deputy returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty and shall count the ballot papers in the presence of the agents present, who may examine but not handle the same; and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box on a desk, counter or table or otherwise raised above the floor in the view of himself and of the persons entitled to be in the polling booth and who are there for the receipt of ballot papers, and shall keep it so locked and sealed.

Deputy to shew box empty and lock and seal it.

52. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:—

Conduct of Deputy on tender of vote.

1. He shall ascertain that the name of such person is entered or purports to be entered, upon the voters' list in the poll book for the polling subdivision for which the deputy returning officer is appointed to act.

Name.

2. He shall enter or cause to be entered in the column of the voters' list in the poll book headed "Column for marks indicating that the voter has offered to vote," the initials of the person offering to vote.

Recording.

Oath.

3. If such person takes the oath or affirmation required to be taken by voters in the manner directed by this Act, the deputy returning officer shall enter, or cause to be entered, opposite such person's name, in the proper column of the voters' list in the poll book, the word "Sworn," or "Affirmed," according to the fact.

Objection.

4. Where the vote is objected to by an agent, the deputy returning officer shall enter the objection, or cause the same to be entered, in the voters' list, in the poll book by writing opposite the name of such person, in the proper column, the words "Objected to," stating at the same time by which agent the objection has been made, by adding after the words "Objected to," the name only of such agent.

Refusal to take the oath.

5. Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list in the poll book, the words "Refused to be sworn," or "Refused to affirm," according to the fact.

Voter refusing to be sworn.

6. No person who has refused to take the oath or affirmation required by law, when requested so to do, shall receive a ballot paper or be admitted to vote; and the vote of such person if taken and received shall be null and void; and the deputy returning officer, for having taken and received such vote, or caused the same to be taken and received, shall incur a penalty of \$200.

Deputy to sign his name on ballot paper and counterfoil.

7. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the poll book in the manner prescribed, the deputy returning officer shall stamp or sign his name or initials upon the back of the ballot paper and upon the counterfoil; and he shall not put upon the said ballot paper any figure or mark, other than his name or initials.

Exhibiting initials of deputy returning officer to persons present.

8. The deputy returning officer shall, if required by any agent present, exhibit the name or initials signed or stamped by such deputy returning officer upon the back of the ballot paper before handing the ballot paper to the voter.

Voter may decline ballot not initialed.

9. Any person desiring to vote may decline to receive a ballot paper which has not the name or initials of the deputy returning officer signed or stamped upon it.

Delivery of ballot to voter.

10. The ballot paper shall be detached from the counterfoil and delivered to such person.

Counterfoil to be retained.

11. The counterfoil shall be retained in the book by the deputy returning officer, who shall write or otherwise mark upon the counterfoil the number prefixed to the name of such person upon the voters' list in the poll book; and opposite the name of such person in the voters' list in such poll book a
mark

mark shall be placed to denote that he has received a ballot paper, but not shewing the particular ballot paper which he has received.

53.—(1) The deputy returning officer shall receive the vote of every person whose name he finds in the proper list of voters in the poll book furnished to him, provided that such person, if required by an agent or by the deputy returning Officer himself, takes the oath or affirmation hereinafter mentioned, which the deputy returning officer is hereby empowered to administer.

Persons on voters' list to be allowed to vote on taking oath if required.

- (a) Where the person offering to vote is a person who is entitled to vote without a property qualification the oath to be taken shall be in accordance with Form 14 in Schedule A hereto, unless in cities and towns where a list was prepared under *The Manhood Suffrage Registration Act* for use at the general election next preceding the voting under this Act, the person offering to vote is entered in the poll book as entitled under manhood suffrage registration, in which case the oath to be taken shall be in accordance with Form 15 in the said Schedule, or unless in territory where there is no assessment roll and the Voters' List was prepared under Part III. of *The Ontario Voters' Lists Act*, in which case the oath to be taken shall be in accordance with Form 16 in the said Schedule. Ordinary oaths. Rev. Stat. c. 7.
- (b) Where the person offering to vote is an unenfranchised Indian whose name appears on a Voters' List or poll book, he shall take the oath, Form 17 or Form 18 in the said Schedule. Oath of unenfranchised Indian.
- (c) Where the person offering to vote is a resident of an incorporated village which lies within two or more Electoral Districts and the Lieutenant-Governor in Council has issued a proclamation under section 12 of *The Revised Statute respecting Representation of the People in the Legislative Assembly* by reason of which the electors entitled to vote in the village are entitled to vote in the Electoral District in which they would have been entitled to vote if such village had not become incorporated, a change of residence from one part of the village to another, shall not deprive a person whose name is in the Voters' List of his right to vote; and in the oath to be administered to any such person desiring to vote, the words "and that you are still actually and in good faith a resident of and domiciled within this Village," shall be substituted for the words "and are now actually and in good faith a resident of and domiciled within this Electoral District." This provision shall also apply to the Village of Stouffville. Oath where voter lives in incorporated village belonging to two districts. Rev. Stat. c. 6.

(2) The expression "proper list of voters" in this section shall mean the list of voters which was used or would have been used had a poll been taken at the last general election to the Legislative Assembly, preceding the voting under this Act; and no person entitled to vote as a manhood suffrage voter under the provisions of this Act shall be debarred from voting at any election under this Act because there is not entered after or opposite his name in the proper column of the voters' list in the poll book either the letters "M.F.," or any other letters, description, matter, or particular required, or directed to be entered after or opposite his name in any such column either by this Act or any other Act whatsoever.

(3) Except as in this Act otherwise specially provided, no other oath or affirmation shall be required of a person whose name is entered on any such list of voters as aforesaid.

Deputy returning officer must swear voters in certain cases.

Penalty.

54. Whenever a deputy returning officer has reason to know or believe that fraud or violence is being practised in violation of the rights of electors, by which undue votes are tendered, or that a person offering to vote is not qualified, or has already voted at the election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the list of voters in the poll book, the deputy returning officer, under a penalty of \$200, shall administer the oath authorized by law to the voter, whether he be required to do so or not by any party; and mention thereof shall be made in the list of voters as aforesaid.

Deputy to conceal number on the ballot paper.

55. The deputy returning officer shall take all necessary precautions for concealing, and shall conceal, as far as possible, from all persons present (including the poll clerk and agents as well as all other persons), the number printed upon the ballot paper delivered to any person, and upon the counterfoil which was attached thereto, and shall not permit the counterfoil to be inspected by any person.

Deputy to explain mode of voting.

56. The deputy returning officer may, and upon request shall, either personally or through his clerk, explain to the person offering to vote, as concisely as possible, the mode of voting.

Interpreter may be employed in certain cases.

57. Whenever an elector does not understand the English language, the deputy returning officer may employ an interpreter to translate the oath or affirmation required of the elector, as well as any lawful questions necessarily put to him, and his answers; and the interpreter shall take before the deputy returning officer the oath (or, if he be one of the persons permitted by law to affirm in civil cases, the affirmation) following:

Oath.

"I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election: So help me God."

58. Upon receiving from the deputy returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in section 29 of this Act, and he shall then fold the ballot paper across so as to conceal the face of such paper, and so as to expose the initials of the deputy returning officer, and the number on the back, and leaving the compartment, shall, without delay and without shewing the front to any one, or so displaying the ballot paper, as to make known to any person how he has marked his vote, deliver the ballot paper so folded to the deputy returning officer, who shall, without unfolding the same, or in any way disclosing the mark made by the elector, verify his own initials, and the number on the back of the paper, and at once deposit the same in the ballot box in the presence of all persons entitled to be present, and then present in the polling place; and the voter shall forthwith leave the polling place.

Voter marking ballot paper.

59. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or be in any position from which he can observe the mode in which the voter marks his ballot paper.

Exclusion from balloting compartment.

60. No person who has received a ballot paper from the deputy returning officer shall take the same out of the polling place; and a person having so received a ballot paper who leaves the polling place without first delivering the same to the deputy returning officer in the manner prescribed, shall thereby forfeit his right to vote, and the deputy returning officer shall make an entry in the voters' list, in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper, and shall preserve it to be returned to the returning officer.

Voter not to take his paper from polling place, etc.

61. In case of an application by a person claiming to be entitled to vote, who is unable to read or who is incapacitated by blindness or other physical cause from marking his ballot paper, and in case such person makes a declaration that he is unable to read or that he is incapacitated as aforesaid the proceedings shall be as follows:—

Proceedings in case of incapacity to mark paper.

1. The Deputy-Returning Officer shall, in the presence of the agents, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall cause the ballot paper to be placed in the ballot box.

2. The deputy returning officer shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked; he shall also make a corresponding entry in Form 8 in said poll book, and in the proper columns thereof, giving the name and number of such person in the poll-book and the cause of inability.

3. The declaration of inability to read or mark a ballot paper may be according to Form 21 in Schedule A to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the deputy returning officer, who shall attest the same as nearly as may be according to Form 22 in Schedule A to this Act, and the said declaration shall be given to the deputy returning officer at the time of voting.

Proceedings in case ballot paper spoiled so that it cannot be used.

62. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy returning officer shall immediately write the word "Cancelled" upon the ballot paper and upon the counterfoil, and preserve the ballot paper to be returned to the returning officer.

What shall be deemed a tender of a vote, and a voting.

63. Every person applying for a ballot paper under this Act shall be deemed to tender his vote, or to offer or assume to vote; and any person shall be deemed to have voted who has put his ballot paper into the ballot box, or has caused the same to be put into the ballot box, or has delivered the same to the deputy returning officer or poll clerk, for the purpose of having the same put into the ballot box.

Who may be present at polling place.

64. During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the clerk or agents authorized to attend at such polling place, and such persons as are for the time being actually engaged in voting; but it shall at all times be lawful for the deputy returning officer to have present, or to summon to his assistance in the polling place, any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing a breach thereof, or of removing any person or persons who may, in the opinion of the deputy returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Counting of votes.

65. Immediately after the close of the poll in every polling place, the deputy returning officer shall, in the presence of

of the poll clerk, and of such of the agents as may then be present, open the ballot box, and proceed to count the votes as follows :—

1. He shall examine the ballot papers, to ascertain if they are the ballot papers which he supplied, and such examination shall be made and completed before opening any of the ballot papers, and for the purpose of so ascertaining he shall, after opening the ballot box proceed first to count the whole number of ballot papers in the box without opening any of them, and if the number corresponds with, or does not exceed the number of persons who voted, no further examination to ascertain as aforesaid shall be made. If the number of ballot papers in the box exceeds the number of persons who voted he shall, without opening the ballot papers, examine the backs thereof so far as may be necessary to see his name or initials, and shall, except as provided in the next subsection, reject any papers not having thereon his name or initials. After such examination is completed to the extent necessary he shall proceed to examine the ballot papers, (or the ballot papers not rejected, as the case may be) in order to count up the votes given in the affirmative and negative respectively upon the said question, keeping the ballot papers with their printed faces upwards, and taking all precautions not to see or to permit any person to see the number printed on the back of any paper.

Ballot papers to be examined.

Deputy returning officer not to open ballots while counting or examining numbers.

2. Where upon counting the whole number of ballot papers it is found that the number of ballot papers is the same as the number which has been given by the deputy returning officer to, and which were used by voters, the omission of the deputy returning officer to sign or stamp his name or initials on some of such ballot papers shall not be a ground for the rejection of the same.

When uninitialed ballot not to be rejected.

3. Every ballot paper which has not been supplied by the deputy returning officer, or on which anything in addition to the printed number and the initials or name of the deputy returning officer on the back is written or marked, by which the voter can be identified, shall be void and shall not be counted; but, subject to the provisions hereinbefore in this section contained as to the omission of the deputy returning officer to sign or stamp his name or initials upon a ballot paper, no word or mark written or made, or omitted to be written or made, by the deputy returning officer, on a ballot paper, shall avoid the same.

Ballot papers which are not to be counted.

4. The deputy returning officer shall take a note in Form 9 in the poll book of any objection made by an agent, or by any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of the deputy returning officer shall be final.

Objections to ballot papers

5. Every objection to a ballot paper shall be numbered, and a corresponding number shall be placed on the back of the ballot

Objections to be numbered.

ballot paper, and shall be initialed by the deputy returning officer.

Rejected ballots to be endorsed.

6. The deputy returning officer shall endorse "Rejected" on every ballot paper which he may reject as invalid, and shall endorse "Rejection objected to," if any objection be made to his decision.

Statement of result.

7. The deputy returning officer shall then count up the votes given for the affirmative and negative respectively upon the said question, upon the ballot papers not rejected, and make up a written statement, according to Form 19 in Schedule A hereto, being Form 10 in the poll book, of the number of ballot papers rejected and not counted by him, and the number of those rejected shall be entered in said poll book under the several heads following:—

Contents of statement of deputy returning officer.

(a) Number of papers rejected as wanting signature or initials of deputy returning officer;

(b) Number of papers rejected as having a writing or mark by which voter could be identified;

(c) Number of papers rejected as marked for both the affirmative and the negative upon the said question or as unmarked or void for uncertainty;

and the said statement shall also show the total number of persons who have voted at such polling place and shall forthwith be signed by the deputy returning officer and poll clerk and such of the agents as may be present and desire to sign it.

Deputies to certify the number of voters.

66. Every deputy returning officer shall, at the close of the poll, certify over his signature in Form 10 in the poll-book in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside.

Certificates of the state of poll.

67. At the close of the poll the deputy returning officer on being requested so to do, shall deliver to each of the agents, or in the absence of the agents, to the electors present, a certificate of the number of votes given for the affirmative and negative respectively upon the said question and of the number of rejected ballot papers, and he shall also forthwith make out the ballot paper account in the form required by section 70 of this Act.

Deputy returning officers' duties after votes are counted.

68.—(1) Every deputy returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents, make up into separate packets, sealed with his own seal, and the seals of such of the agents as desire to affix their seals, and marked upon the outside with the proper letter of the alphabet and a short statement of the contents of the packet, as in this section mentioned, the date of the day of the election, the name of the deputy returning officer, and the polling subdivision and electoral district:

(a)

- (a) The used ballot papers which have not been objected to and have been counted ;
- (b) The ballot papers which have been objected to but which have been counted ;
- (c) The rejected ballot papers ;
- (d) The unused ballot papers and the counterfoils of the ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The ballot papers given to voters who afterwards returned the same, declining to vote ;
- (g) The declarations of " Inability to read " and " Physical incapacity " taken under section 61 of this Act, with the attestations thereto and all certificates received by the deputy returning officer including any certificate issued to a voter under section 28 of *The Manhood Suffrage Registration Act*.

Rev. Stat.
c. 8.

(2) After all the oaths have been taken and subscribed and all the entries made in the poll book as by this Act required, the deputy returning officer shall in the presence of the agents enclose the said poll-book in a separate packet and write thereon the words " Poll book " and also the date of the election, the name of the deputy returning officer, the name or number of the polling sub-division, the municipality, and the electoral district.

69. The deputy returning officer shall forthwith deliver the packets personally to the returning officer ; and if he be unable to do so, owing to illness or other cause, he shall deliver the packets to a person chosen by him for the purpose of delivering the same to the returning officer ; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor, and the person so chosen shall after having delivered the said packets to such returning officer, make oath before him to the effect of Form 26 in Schedule A hereto.

Certain packets to be delivered to the returning officer.

70. The poll book shall contain a statement made by the deputy returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted ; (2) Rejected ; (3) Unused ; (4) Spoiled ; (5) Ballot papers given to voters, who afterwards returned the same, declining to vote ; and (6) Ballot papers taken from the polling place ; which statement shall be in Form 20 in Schedule A hereto, and being Form 11 in the poll book, and is in this Act referred to as the " Ballot Paper Account."

Ballot paper account.

No scrutiny
by returning
officers.

71. No returning officer or deputy returning officer shall grant, make or enter into a scrutiny of the votes.

Oath to be
made by
deputy
returning
officer on
close of poll.

72. The deputy returning officer who has kept and closed the poll, shall, immediately after the closing thereof make and subscribe, either before a Justice of the Peace for the county or district where he resides, or before the returning officer or the poll clerk, the oath, Form 23 in Schedule A to this Act, and being Form 12 in the poll book.

Oath to be
made by poll
clerk on
close of poll.

73. Every poll clerk shall, immediately after the close of the poll at which he has acted, make and subscribe, either before a Justice of the Peace for the county or district in which he resides, or before the deputy returning officer, or before the returning officer the oath, Form 24 in Schedule A to this Act, and being Form 13 in the poll book.

Delivery of
ballot boxes
to clerk of
municipality.

74. Within one week after the close of the election, every deputy returning officer shall deliver the ballot box used in his polling subdivision to the clerk of the municipality within which the polling subdivision is situate; and the ballot boxes delivered to the clerk shall be preserved by him for use at elections for the electoral district.

Counting of
the votes by
the returning
officer.

75. The returning officer, after he has received the packets before mentioned, shall, at the time and place named in his proclamation open the packets containing the several poll books and shall not open any other of the sealed packets, and from the statements of the poll contained in Form 10 of the said several poll books shall cast up the number for the affirmative and negative respectively, and as soon as he has thus ascertained the result of the poll, he shall forthwith declare the same.

RECOUNT.

Recount.

76. A recount of the ballots cast upon the said question in any electoral district may be had under the like circumstances and in the same manner as in the case of an election of a member to serve in the Legislative Assembly, and all the provisions of *The Ontario Election Act* respecting a recount of ballots shall *mutatis mutandis* apply to a recount under this section, but there shall be no appeal from the decision of the county or district judge conducting such recount.

RETURN, PRESERVATION OF DOCUMENTS, ETC.

Time within
which return
to be made to
Clerk of the
Crown in
Chancery.

77. The returning officer shall make and transmit his return to the Clerk of the Crown in Chancery within ten days after he has ascertained the result of the poll, unless he has received notice of a recount, in which case he shall delay making his return until he receives a certificate from the county judge

judge of the result of the recount, and upon receipt of the certificate the returning officer shall proceed to make his return.

78.—(1) The returning officer shall at the same time transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering sealed with the seal of the returning officer, all the packets of ballot papers in his possession, declarations of inability to read or mark, packets of counter-foils, poll book and all other documents sent by the deputy-returning officers, endorsing on the package a description of its contents, and the date of the voting to which they relate, and also the name of the electoral district for which the voting was held; and the return and the package, so directed as aforesaid to be transmitted to the Clerk of the Crown in Chancery, may be transmitted by express or through the post-office, after having been duly registered.

Returning Officer to transmit to Clerk of the Crown in Chancery the ballot papers, etc.

(2) An oath to the effect set forth in Form 27 in Schedule A to this Act shall be taken by every returning officer forthwith after transmitting his return to the Clerk of the Crown in Chancery, and the said oath shall be thereupon forthwith transmitted by him to the Clerk of the Crown in Chancery, by post and in an envelope duly registered.

Oath of Returning Officer after transmitting return.

79. The poll books, voters' lists, ballot papers and counter-foils and all other documents returned to the Clerk of the Crown in Chancery under this Act shall be kept by him securely under lock and key and he shall not permit any person to inspect or examine the same or any of them, except under an order of a judge upon any prosecution or other proceeding under this Act, which order shall be given under the like circumstances and in the like manner as nearly as may be as under *The Ontario Election Act*.

Inspection of documents.

Rev. Stat. c. 9.

PRESERVATION OF THE PEACE AT VOTING.

80. From the time when a returning officer or deputy returning officer has taken and subscribed the oath of office until the day next after the final closing of the polls, the returning officer and every deputy returning officer, shall respectively be conservators of the peace, and for the maintenance of the peace, and for the arrest, detention, or admission to bail, trial and conviction of any person or persons who break the law or trouble the peace shall be invested with the same powers with which Justices of the Peace are invested in this Province.

Returning Officer and Deputies to be conservators of the peace.

81. Any returning officer or deputy returning officer may require the assistance of all Justices of the Peace, constables, and other persons present at any polling place, to aid him in the maintenance of the peace and of good order at the voting, and may also swear in as many special constables as he deems necessary.

Justices, etc., may be required to aid in keeping the peace.

Special constables to be sworn in in certain cases.

82. On a requisition in writing made by an agent, or by any two or more electors, a returning officer or deputy returning officer shall swear in such special constables.

Returning officer or deputy may order arrest of persons disturbing the peace.

83. Any returning officer or deputy returning officer may arrest or cause to be arrested, by verbal order, and may place in the custody of one or more constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, for a period not later than the final closing of the poll, respectively; which order all persons shall obey without delay under a penalty of \$20 for any refusal or neglect so to do.

Penalty.

Such arrest not to prevent other punishment.

84. No such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any punishment or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise.

Returning officer or deputy may demand surrender of all weapons.

85. A returning officer or deputy returning officer may, during any part of the day whereon the voting under this Act is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as firearms, swords, staves, bludgeons or the like, with which any such person is armed, or which any such person has in his hands or personal possession; and every person who upon demand declines or refuses to deliver up to the returning officer or deputy returning officer, any offensive weapon as aforesaid, shall incur a penalty of \$20.

Penalty.

Penalty on persons convicted of battery.

86. Every person convicted of a battery committed during any part of any day whereon the voting under this Act is to be begun, holden or proceeded with, within the distance of two miles of the place where a poll is so begun, holden or proceeded with, shall incur a penalty of \$50.

Restrictions as to carrying arms while poll is open.

87. With the exception of the returning officer, the election clerk, the deputy returning officer or the poll clerk, or one of the constables or special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the voting and the preservation of the public peace thereat, no person who has not had a stated residence in the township or union of townships, or ward, or subdivision, for at least six months next before the day of the voting, shall come during any part of the day upon which the poll is to remain open, into the township or union of townships, ward, or subdivision, armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like; nor shall any person whomsoever being in the township, union of townships, ward or sub-division, arm himself, during any part

of

of the day, with such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such subdivision is held, unless called upon to do so by lawful authority.

MAINTAINING SECRECY OF PROCEEDINGS.

88.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place; and shall not communicate, before the poll is closed, to any person any information as to the number on the list of voters in the poll book of any person who has or who has not applied for a ballot paper or voted at that polling place. Maintaining
secrecy of
proceedings.

(2) No officer, clerk, or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to how a voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which a voter at a polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at a polling place, or upon the counterfoil which was attached to the ballot paper, or as to the number prefixed to the name of a voter in the list of voters in the poll book.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting, the number on the back of any ballot paper, or communicate any information obtained at the counting as to how any vote has been given on any particular ballot paper.

(5) No person shall, directly or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person whether he has voted in the affirmative or the negative upon the said question.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labor. Penalty.

89. Every returning officer and every other officer, clerk and agent authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties take an oath or affirmation of secrecy, in the presence, if he is the returning officer, of a Justice of the Peace, and, if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, or of the returning officer or of a deputy returning Oath of
secrecy.

ing officer, and the oath or affirmation of secrecy shall be according to Form 25 in Schedule A to this Act, or to the like effect and being in Form 6 in the poll book.

Proceedings
where officers
aware of viola-
tion of secrecy.

90. In case any returning officer, deputy returning officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the county crown attorney; and it shall be the duty of the county crown attorney on receiving such information from such officer or from any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence.

PREVENTION OF CORRUPT PRACTICES.

Application of
provisions of
Rev. Stat. c.9.

91.—(1) All the provisions of *The Ontario Election Act* and amendments thereto relating to the prevention and punishment of corrupt practices and other illegal acts at elections and contained in sections 159 to 170 inclusive, and in sections 181 to 186 inclusive, and in sections 190 to 196 inclusive, of the said Act and amendments thereto shall *mutatis mutandis* apply to the taking of the vote upon the said question, in accordance with the provisions of this Part of this Act.

Recovery of
penalties.

(2) The penalties imposed for a contravention of any of the provisions mentioned in the preceding subsection and thereby incorporated in this Part, or for a contravention of any other provision in this Part, shall be recovered in the same manner as penalties for the like offences are recoverable under *The Ontario Election Act*, and the procedure thereon shall be the same as nearly as may be as they would have been had the offence been committed at the election of a member to serve in the Legislative Assembly.

Duty of
Crown At-
torney.

(3) It shall be the duty of every county crown attorney and of every district crown attorney upon receiving information that any offence has been committed under this Act to take proceedings for the prosecution of the offender and the recovery of penalties by this Act imposed.

Court for trial
of illegal acts.

(4) In case a county or district crown attorney is informed or has reason to believe that any corrupt practice or other illegal act has been committed in his county or district in connection with the voting under this Part he shall forthwith notify the President of the High Court at Toronto who shall designate a judge of a county or district court of a county or district other than that in which such offence was committed, to conduct the trial of the persons accused and the procedure thereon shall be the same as nearly as may be as on the trial of illegal acts under section 188 of *The Ontario Election Act* and amendments thereto.

Application of
Rev. Stat.
c. 10.

(5) *The Act to Secure the Prompt Punishment of Persons Guilty of Personation at the Election of a Member to Serve*
in

in the Legislative Assembly shall *mutatis mutandis* apply to the taking of the vote under this part in the same manner and to the same extent as at elections to the Legislative Assembly.

FEEES AND EXPENSES OF RETURNING OFFICERS, ETC.

92. The fees in Schedule B to this Act mentioned, in respect of the several matters therein contained, shall be allowed to the several officers therein mentioned respectively, for the services and disbursements in the said Schedule specified. Tariff of fees.

93. The said fees, allowances and disbursements, together with the reasonable expenses incurred by the returning officer, and by the other officers and clerks, for printing, providing polling compartments, transmission of the packets required by this Act to be transmitted, and reasonable fees and allowances for other services rendered under this Act, shall be paid over to the returning officer, by warrant of the Lieutenant-Governor, directed to the Treasurer of the Province, out of the Consolidated Revenue Fund of the Province, and shall be distributed by the returning officer to the several officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Lieutenant-Governor through the Provincial Secretary. Payment of fees and expenses of Returning Officers.

94. The Lieutenant-Governor may direct the payment to the returning officers of the electoral districts within the districts without county organization, out of the Consolidated Revenue Fund, of such sums (over and above the allowance authorized by the preceding sections of this Act), as may be required to pay the expenses reasonably incurred by the returning officers, and by the other officers and clerks, in conducting the election, and reasonable fees and allowances for any extraordinary services rendered by them thereat. In Algoma, Muskoka, Nipissing and Parry Sound.

MISCELLANEOUS PROVISIONS.

95. The Clerk of the Legislative Assembly shall be *ex-officio* Clerk of the Crown in Chancery, and shall discharge all the duties which by any Statute, law, or usage ought to be done, or have heretofore been done, by the Clerk of the Crown in Chancery. Clerk of Legislative Assembly to be *ex-officio* Clerk of the Crown in Chancery.

96 The property in the ballot boxes, ballot papers, counterfoils, and marking instruments procured for or used at an election, shall be in His Majesty. Property in ballot boxes, papers, etc., to be in His Majesty.

97. In case, by reason of riot or other emergency, the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the deputy returning officer etc. Provision when voting or polling not commenced or interrupted by reason of riot, etc.

officer, shall hold or resume the polling on the following day, at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote.

Administra-
tion of oaths,
etc.

98. The returning officer shall have power to administer any of the oaths, affirmations, or take any of the declarations required with respect to the voting under this Act; and any deputy returning officer or election clerk may administer such oaths, affirmations, or take such declarations, except in cases where they are required to be administered to the returning officer.

No charge for
administering
oaths.

99. Every person before whom it is hereby required that an oath be taken, or an affirmation made in the manner herein provided, shall administer such oath or affirmation gratuitously.

Transmission
to returning
officers of
copies of this
Act.

100. There shall be transmitted to every returning officer with the writ of election, such a number of copies of this Part of this Act as will be sufficient to supply the returning officer and each deputy returning officer at the election with one copy at least; and every copy shall be accompanied with a copious alphabetical index.

Regulations
and directions
by Lieuten-
ant-Governor
in Council.

101. The Lieutenant-Governor in Council may from time to time by order-in council give such directions and make such regulations not inconsistent with the provisions of this Act as may appear to him to be necessary to carry out the provisions of this Act, and for the guidance of returning officers and other persons charged with the duty of taking the vote on the said question, or to make due provision for circumstances which may arise, and which are not provided for or contemplated by this Act.

PROCLAMATION BRINGING PART II. INTO FORCE.

Notice of
of return in
Gazette.

102. The Clerk of the Crown in Chancery shall, on receiving the return of every returning officer, give in the next ordinary issue of the *Ontario Gazette* notice of the receipt of the return, the date of such receipt, and the result of the voting on the said question.

Publication of
total result.

103. Within thirty days after the receipt of the last of such returns the Clerk of the Crown in Chancery shall also publish in the *Ontario Gazette* a summary of all the returns of the voting under this Act, together with such other particulars as to such voting as the Lieutenant-Governor in Council may direct.

104. In case it appears from the said summary that a majority of the votes on the said question are in the affirmative and that the number of votes on the said question in the affirmative exceeds one half of the number of votes certified to by the Clerk of the Crown in Chancery as hereinafter mentioned, the Lieutenant-Governor in Council shall issue his Proclamation in the *Ontario Gazette* declaring Part II. of this Act to be in force on, from and after the first day of May, 1904, and Part II. of this Act shall come into force and take effect on, from and after the said date accordingly, but the provisions contained in said Part II. with respect to applications for license and all matters connected therewith or appertaining thereto, and with respect to the issue of such licenses may be resorted to, applied and followed at any time before the said first day of May for the purpose of procuring the issue of licenses under this Act to take effect on and from the said date.

(2) The Clerk of the Crown in Chancery shall certify under his hand and seal to the Lieutenant-Governor in Council the total number of votes arrived at by adding together (1) the votes polled for all of the candidates at the general election of members to serve in the Legislative Assembly in the year 1898 except in the Electoral District of Ottawa; (2) one half of the votes polled for all the candidates in the said Electoral District of Ottawa and (3) the number of votes polled at the last contested election held prior to the said general election in every electoral district for which a candidate was returned in 1898 by acclamation.

PART II.

INTERPRETATION.

105. In this and the following sections of this Act, unless the context otherwise requires:—

(a) The expression "chief inspector" means the chief inspector appointed under this Act. "Chief Inspector."

(b) The expression "local inspector" means an inspector appointed under this Act for a locality. "Local Inspector."

(c) The expression "inspector" means a chief inspector as well as a local inspector. "Inspector."

(d) The expression "licensed premises" means the warehouse or store in respect of which a license under this Act has been granted and is in force, and shall include every room, closet, cellar, yard, stable, outhouse, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse or store. "Licensed premises."

(e) The expression "liquor" or "liquors" shall include all fermented, spirituous and malt liquors, and all combinations of liquors and all drinks and all drinkable liquors which are intoxicating. "Liquor" or "Liquors"

"Druggist's
wholesale
license."

(f) The expression "druggist's wholesale license" shall mean a license authorizing a chemist or druggist, duly registered as such under and by virtue of *The Pharmacy Act*, to sell, subject to the provisions of this Act, in the warehouse or store defined in such license, alcohol not exceeding in quantity ten gallons at any one time to any person for mechanical or scientific purposes, and to sell to any duly qualified medical practitioner and to any druggist holding a druggist's retail license, but to no other, liquor not exceeding in quantity five gallons at any one time.

"Druggist's
retail
license."

(g) The expression "druggist's retail license" shall mean a license authorizing a chemist or druggist, duly registered and licensed to practice and carry on business as such under and by virtue of *The Pharmacy Act*, to sell liquor for medical and sacramental purposes only in the store defined in such license, subject to the further provisions relating to druggist's retail licenses and to the other general provisions of this Act.

"Druggist
retail
licensee."

(h) The expression "druggist retail licensee" shall mean a person holding a druggist's retail license under this Act.

"Druggist
wholesale
licensee."

(i) The expression "druggist wholesale licensee" shall mean a person holding a druggist's wholesale license under this Act.

"Licensee."

(j) The expression "licensee" means a person holding a license under this Act.

"Minister."

(k) "The Minister" shall mean the member of the Executive Council of this Province to whose department the administration of this Act shall be assigned for the time being by Order in Council.

"This Act."

(l) "This Act" shall not mean or include the provisions contained in Part I of this Act.

"Private
dwelling
house."

106. The expression "private dwelling house" in this Act shall mean a separate dwelling with a separate door for ingress and egress and actually and exclusively occupied and used as a private residence.

Definition
restricted.

(a) Without restricting the generality of the above definition of a private dwelling house, among other things which the expression "private dwelling house" does not include or mean, it shall not include or mean and shall not be construed to include or mean any house or building occupied or used as an office, other than a duly qualified medical practitioner's, dentist's, or veterinary surgeon's office, or as a shop, or as a place of business, or as a factory, or as a workshop, or as a warehouse, or as a clubhouse, or clubroom, public hall or hall of any society or order, or as a boarding house, or as a lodging house where there are more than three lodgers other than the members of the family, or as a livery stable, or as an inn, tavern, hotel or other house or place of public entertainment, or any house or building

building the rooms and compartments in which are leased to different persons, or any building or house mentioned in section 188 of this Act, or any house or building where for money or other valuable consideration any goods or chattels are kept for sale or sold, or meals given or lodging provided, nor shall it include or mean, or be construed to include or mean any house or building connected by a doorway or covered passage or way of internal communication, except by telephone, with any place where liquor is authorized to be sold under this Act, or with any office, except a duly qualified physician's, dentist's or veterinary surgeon's office, or with any place of business, factory, warehouse, workshop, clubhouse, clubroom, hall before mentioned, boarding house or lodging house as aforesaid, livery stable, inn, tavern, hotel or other house or place of public entertainment or resort or with any house or building mentioned in section 188 of this Act.

LICENSES.

107. Druggist wholesale licenses and druggist retail licenses, written or printed or partly written and partly printed on stamped paper, may be issued subject to the provisions and in the forms provided for by Schedules C and D of this Act and shall be signed by the Minister, and shall continue in force to the 31st day of May, inclusive, following the date thereof.

Druggist's wholesale and retail licenses may be issued.

108. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the warehouse or store therein mentioned, and shall remain valid only as long as such person continues to be the occupant of the said premises and the true owner of the business there carried on.

Licenses restricted to person named and to premises mentioned.

109. Every licensee and every partner, clerk, servant or agent of such licensee who sells liquor in any other place or at any other time or in any other quantities, or sells liquor otherwise than as authorized by the license of such licensee and by this Act shall be guilty of an infraction of section 153 of this Act.

Sale of liquor other than authorized by license deemed an infraction of sec. 153.

WHO MAY OR MAY NOT BE LICENSEES.

110. Any incorporated company may become a licensee under the provisions of this Act, and in such cases all acts required by this Act to be done by any person as licensee, whether prior to or after the granting of a license, may be done in the name of the company by the officer or agent of the said company in charge of the particular warehouse or store for which the license is to be or shall have been granted.

Incorporated company may become licensee.

111. Licenses may be issued in the name of a co-partnership when two or more persons are carrying on business in the same name, but a separate license shall be required in every separate place of business of such firm.

Co-partnership.

Inspector not to entertain application of any persons who have at any time been refused a license.

112. If an applicant for a license has at any time or in any place been refused a license on the ground that he is not a fit person to hold a license, no application by such applicant shall be entertained by the chief inspector within a period of three years from the last of such refusals, and no application by any person for a license shall be entertained by the chief inspector within the said period if a person whose application has been refused for the same premises be living upon the premises of the applicant or be in any way connected with the business proposed to be carried on by such applicant.

Disqualified persons cannot hold license during disqualification.

113. No license shall be granted or transferred to any person declared by this Act to be a disqualified person during the continuance of such disqualification, and any license issued or transferred to a person so disqualified shall be void, and if any licensee during the time he holds a license becomes disqualified to be an applicant for a license the license then held by him shall thereupon become void.

No license to issue to an inspector or in respect of premises owned by an inspector.

114. No license shall be granted under the provisions of this Act to or for the benefit of any person who is an inspector, and no license shall be granted in respect of premises the owner or part owner of which is an inspector, and any license issued in contravention of this section shall be void, and every inspector who knowingly recommends the issue of a license in any such case shall be guilty of an offence against this Act.

APPLICATION FOR LICENSE.

Application for license and proceedings and conditions necessary to obtain same.

115. No license shall be granted to any person unless he has filed his application therefor, with the affidavits and bond hereinafter mentioned, in the Department of the Minister at Toronto, with the chief inspector, on or before the first day of March in that year, and has given the security required by this Act, and unless he is a person of good reputation and character, and he has been without a conviction of any offence against any of the provisions of this Act or any previous Liquor License Act within three years prior to his application for such license, and has complied with the requirements of this Act preliminary to the issue of such license and has received a recommendation by the chief inspector in favour of the issue of a license to him, and unless his warehouse or store in respect of which he applies for a license is such as required by this Act and suitable for carrying on a business in a reputable way, and unless the applicant is duly authorized to engage and is lawfully and in good faith engaged in this Province in the business of chemist and druggist as the true owner thereof, and has in such business a stock of drugs of the value of at least one thousand dollars, if in any city, and if elsewhere of the value of at least two hundred dollars.

To be recommended by inspector.

Statements in application to be verified by affidavits.

116. The application for a license shall be accompanied by the affidavits of the applicant and two reputable persons verifying

fying the correctness of the statements in such application. Such application and affidavits shall be in the suitable forms given in the Schedules E and F to this Act.

117. Before any license is issued, the person applying for the same shall enter into a bond to His Majesty, with two good and sufficient sureties, residents of Ontario, to be approved by the chief inspector, with the condition and in other respects according to the form, or to the effect of such one of the forms, given in Schedule G to this Act, as is applicable to the case, and such bond shall accompany said application and be filed therewith. Surety bonds.

(1) Members of municipal councils, inspectors and constables shall be ineligible as sureties in the bond to be given under this section. Persons disqualified as sureties.

(2) The penalty mentioned in such bond may on breach of the condition of the bond be recovered at the suit of the Minister. Recovery of penalty.

118. The amount of the bond shall be for the applicant or principal five hundred dollars and for the sureties two hundred and fifty dollars each, and such principal and sureties shall justify by affidavit in the said amounts respectively. Amount of bond.

119. As soon as possible after the first day of April in each year, the chief inspector shall advertise a list of all such applications by one insertion in the *Ontario Gazette*, and also such portion of said list as affects each locality by one insertion in a newspaper in each locality, or as near each locality as possible; such list shall show the name of each applicant, description of license applied for, and the warehouse or store in respect of which a license is applied for described with sufficient certainty. A notice containing similar information shall be sent to the postmaster nearest the said warehouse or store, to be posted up in the post office. Chief inspector to advertise applications in *Ontario Gazette*.

120. The chief inspector shall also send to each local inspector a list of all applications made in his locality; and upon receiving such list the local inspector shall make full inquiries about the applicant, inspect the said warehouse or store of each applicant and make his written report thereon to the chief inspector. Local inspectors to be notified and to make inquiries.

121. It shall be the duty of the local inspector as soon as possible after the first day of March in each year to make an investigation in respect of the application and to inspect the building and premises in respect of which the application for license is made and to report in writing to the chief inspector, and such report shall contain. Local inspectors to inspect premises and to report thereon.

(a) A description of the buildings or premises in respect of which a license is asked and a report on the suitability thereof for the proposed business. Scope of local inspectors report.

(b) If the application is made by a person who under this

or

or any other law of the Province heretofore existing held a license for the same premises during the preceding year for the sale of liquors a statement showing the manner in which the premises were kept and the business conducted during the existence of the previous license and the character of the persons frequenting the premises and the number of convictions against the applicant, if any.

(c) A statement of the fitness of the applicant to receive a license and the character and repute of such applicant.

(d) A statement whether the applicant is or is not the true owner of the business carried on in the warehouse or store proposed to be licensed.

(e) A statement of any objection against the applicant or the said warehouse or store, and of anything which in the opinion of the inspector should constitute an objection to the granting of the application.

Public
inspection of
documents.

122. All papers connected with applications and objections thereto shall be at all times open to the inspection of the public.

Objection to
license being
granted to be
filed in the
Department.

123. Any ten or more ratepayers resident near the warehouse or store proposed to be licensed may object to the granting of any license for such warehouse or store, provided that within three weeks after the last publication of notice of the application therefor, they cause written notice of their objection, stating the grounds thereof, to be filed in the Department of the Minister and to be given to the applicant personally or by delivering it to any person at the premises proposed to be licensed, or, by posting it up on such premises, but nothing herein contained shall be construed to relieve the chief inspector from inquiring into the particulars pertaining to and reporting fully upon each application.

Objections.

124. The objections which may be taken by any person objecting under the foregoing section to the granting of a license may include, without being limited to, the following :

Requirements
of act not
not complied
with.

(a) That the requirements of this Act preliminary to the hearing of the application or relating to the application or affidavits have not been observed by the applicant, or that the bond filed by the applicant is not a good and sufficient bond for any reason, or that the sureties therein named are not good and sufficient sureties.

Bad fame of
applicant.

(b) That the applicant is of bad fame or character, or of drunken habits, or has within three years previously forfeited a license issued under this or any other law now or heretofore existing respecting the licensing of the sale of liquor ; that the applicant has been convicted within the period of three years next preceding the date of application of a disqualifying infraction of this or any previously existing *Liquor License Act* ; or that he has within the period of three years next preceding

preceding the date of the application kept a place in which the illicit sale of or dealing in liquors was frequent and notorious;
or

(c) That the premises in question are not such as to comply with the requirements of this Act, or are so constructed or equipped as to facilitate the violation of this Act. Unsuitability of premises.

(d) That the applicant cannot comply with or fulfil the conditions or does not possess the qualifications required by section 115 of this Act. Disqualification of affidavit.

Any of the above grounds on being established shall be sufficient to prevent the application from being granted, but it is not intended that the above shall be the only objections which are to be considered or given effect to by the chief inspector.

125. In case notice of objections to the issue of the license is filed and given as aforesaid the chief inspector shall fix a convenient time and place at which he will hear evidence with regard to the application and the objections thereto, and the chief inspector shall thereupon give notice thereof in writing by registered post to the applicant and the parties filing objections. Chief inspector to fix time and place to hear evidence.

126. At the time and place so fixed for the hearing of evidence regarding such application and objections, or at the time and place fixed by adjournment, the chief inspector shall proceed to hear such evidence, and for that purpose he shall possess the powers and authority of the county court Judge sitting for trial of ordinary cases, and unless otherwise provided the practice and procedure of the county court as far as applicable in respect of the hearing of such application, the subpoenaing, the calling and paying of witnesses, maintenance of order and other matters not herein specially provided for shall be followed. The hearing of such applications shall be open to the public. Every applicant shall be personally present at the hearing of his application, unless he is absent for reason satisfactory to the chief inspector. The chief inspector may from time to time adjourn the hearing of any application, but not so that he will not be able to report thereon to the Minister before the 25th day of April of that year. Procedure at hearing and powers of chief inspector.

127. The local inspector, the applicant and any person objecting to the application as hereinbefore mentioned, and the representative of any municipality wherein is situated the warehouse or store proposed to be licensed, shall be entitled to be present at such hearing and to be heard personally or by counsel or agent and to produce witnesses and evidence. Applicant to attend hearing.
Adjournment.

128. In all applications and whether objections have been made or filed or not, it shall be the duty of the chief inspector to see that the requirements of this Act preliminary to the hearing of the application have been complied with. If such requirements have been complied with, but not otherwise, the chief inspector shall proceed to consider every such application and all objections thereto, and all matters concerning the same, Persons entitled to be present at hearing.
Duty of chief inspector on the hearing of the application.

same, and to ascertain that all statutory requirements have been complied with, and to take notice of any objection whether the same is final or not, and whether any person has raised it or not, and to take evidence of witnesses on oath in respect thereof if he deems such evidence necessary or proper, and for the purposes of this section the chief inspector may fix a time and place to hear the parties to the application and any objection thereto in the same way and with the same powers and authority as provided in cases where notice of objection had been formally given as provided by this Act, and the chief inspector after having fully considered the matter shall report in writing to the Minister his decision in favour of or against the advisability of granting such application.

To report his
decision to
Minister.

Minister may
issue license.

129. Upon receipt from the chief inspector of his written report in favour of the granting of a license applied for as hereinbefore provided, the Minister may issue such license and cause it to be sent or given to the successful applicant.

TRANSFER OF LICENSES—REMOVAL OF LICENSES.

Written con-
sent of
Minister
necessary to
remove or
transfer
license.

130. In case any person having lawfully obtained a license under this Act removes or intends to remove from the premises in respect of which the said license applies, he may apply to the Minister for his written consent to the transfer of such license to the premises to which the licensee has removed or intends to remove, and the Minister may, if he sees fit, give his written consent to such transfer or he may require the licensee to proceed as in the case of transfer of license to another person as hereinafter provided for.

Death or
assignment
of licensee
voids license.

131. In case any person having lawfully obtained a license under this Act dies before the expiration of his license, or sells or otherwise assigns his business or becomes dispossessed of it by operation of law, then and in such case, subject as in sections 132 and 133 hereof provided, the license shall *ipso facto* become forfeited and be absolutely null and void to all intents and purposes whatsoever.

Unless
permission of
Minister
is obtained by
person
entitled to
benefit of
license.

132. The Minister may, if it seems to him proper, give in writing permission to the carrying on of business under any such license in the premises stated in such written permission by any person who may appear to be entitled to the benefit thereof, but such permission shall not extend beyond the period of one month from the happening of the event from which the forfeiture of the license would result, and such permission shall entitle the person to whom it is granted to the benefit of the license during said month according to the terms of the permission.

Person claim
ing benefit of

133. Any person claiming the benefit of such license may,

may, within the said period of one month, apply to the Minister for the transfer thereof to him or to other premises as the case may be, and the like proceedings shall be had and taken for the hearing and consideration of such application by the chief inspector as are provided in section 135 hereof in the case of application for a license at other than the regular time, and upon the recommendation of the chief inspector being given the license shall be transferred in accordance therewith.

voided license may apply to the Minister.

134. Any bond or security which the holder of a license may have given for any purpose in relation to such license shall, in case of removal, apply to the warehouse or store to which such removal is authorized, and in all cases where a party other than the original licensee applies under any circumstances for the transfer of a license to him, he shall furnish security as is required by this Act in the case of an original application for a license.

Effect of removal upon surety bonds.

135. In case any person, who has not been refused a license within the year next preceding, wishes to apply for a license at any other time than as hereinbefore provided, he may send to the Minister his application, and thereupon the chief inspector shall advertise such application in the manner provided for by section 119 and all the provisions of this Act as to objections to licenses and the conduct of any proceedings at and subsequent to the regular hearing of applications shall apply to every application made under this section.

Applications at other times than provided in section 115.

136. The Minister may at any time, upon application by a licensee, cancel the license held by such licensee.

Cancellation.

137. In case a complaint in writing signed by ten or more ratepayers resident near the warehouse or store referred to in the complaint, or occupied by the person complained against, be lodged with the chief inspector (together with the sum of twenty dollars, to be paid to the Provincial Treasurer to form part of the consolidated revenue fund) to the effect that the license for any premises or any transfer thereof to another person or to other premises has been obtained by fraud or false statements, or in an improper manner, or that the conditions necessary to the granting of such license do not exist at the time of the complaint, or that the licensed premises are constructed in such a way as not to be in accordance with the requirements of this Act, or that the licensee is not keeping the licensed premises in an orderly manner or in accordance with such requirements, or that he has been guilty of any infraction of this Act for which his license is declared subject to forfeiture, the chief inspector shall forthwith give notice of such complaint to the licensee and transmit the complaint to the county or district court judge of the county or district within which such licensed premises are situate, and such county or district court judge shall thereupon fix a time and place when

Complaints.

Deposit.

Hearing of complaints.

Procedure on hearing.

Deposit re-funded to successful complainant.

when he will hear the said complaint, and notice in writing of such time and place shall be mailed by the judge or, at the request of the judge, by the clerk of the court, at least ten days before the hearing to the party complaining and the party complained against, and the said judge shall proceed to hear and summarily determine the matter of the complaint, and the proceedings in and about the same, including the compelling the attendance and hearing of witnesses, shall, as nearly as possible, be the same as in the case of the hearing of a cause in the county court, and the judge shall, if he finds the complaint established, report accordingly to the Minister, who shall forthwith cancel the license, and the said sum of twenty dollars shall be thereupon re-funded to the successful complainants.

DRUGGIST'S WHOLESALE LICENSE.

Wholesale license.

138. A druggist's wholesale license shall be in form given in Schedule C to this Act, and may be granted only to a person who carries on exclusively the business of selling drugs and drug sundries by wholesale or in unbroken packages, and shall become *ipso facto* void in case the holder thereof at any time during the currency of the said license directly or indirectly or by or with any partner, agent or other person, carries on upon the premises to which such license applies the business of a retail dealer in any goods, wares or merchandise, or of a dealer in any other goods, wares or merchandise than drugs and drug sundries.

Restriction as to quantity allowed to be sold.

139. A druggist's wholesale license shall not authorize the sale of liquor in quantities greater than those mentioned in subsection (f) of section 105 of this Act, or otherwise or in any place, or to other persons or for other purposes than as mentioned in said subsection, or unless the same is recorded as required by section 141 hereof.

Sale of alcohol for mechanical or scientific purposes.

140. No druggist wholesale licensee shall sell any alcohol for mechanical or scientific purposes except upon the written or printed affidavit of the applicant which shall be in the form Schedule H to this Act, and which shall set forth that the alcohol is required for mechanical or scientific purposes alone, and not intended to be used as a beverage or to be mixed with any other liquid for use as a beverage, nor to sell, nor to give away, and that it is intended only for the applicant's own use and that the applicant is over twenty-one years of age, and shall also set forth the quantity desired. No more than one sale and one delivery shall be made on one affidavit.

Record of sales.

141. Every licensee holding a druggist's wholesale license shall keep or cause to be kept an accurate record of each sale and disposal of any liquor made by him, his clerks, servants or agents, in a book to be kept for that purpose, and such record shall be made before the delivery of such liquor and shall show the

the time when, the name and address of the person to whom the same was made, and the kind and quantity sold.

142. No sale or other disposal of liquors shall take place on, out of, or from any licensed premises of a licensee holding a druggist's wholesale license, to any person or persons whomsoever, nor shall such licensed premises be open from or after the hour of seven o'clock on Saturday night until seven o'clock on Monday morning thereafter, or from eight o'clock at night until seven o'clock in the morning on the other nights of the week.

Hours for sale of liquor by wholesale licensee.

DRUGGIST'S RETAIL LICENSE.

143. A druggist's retail license shall be in form given in Schedule D to this Act and may be granted to a chemist or druggist described in subsection (g) of section 105 hereof. A druggist's retail license shall not authorize the sale of liquor for any other than medicinal purposes, and then only under a *bona fide* prescription from a duly qualified medical practitioner signed by such practitioner, on which prescription no more than one sale of liquor shall be made, and unless the sale be recorded as provided by section 146 of this Act.

Retail license.

(1) A druggist's retail license shall authorize the sale to a dentist personally who is a duly registered member of The Royal College of Dental Surgeons of Ontario, and who is lawfully and regularly engaged in the practice of his profession, of liquor for use in his profession only, but not in a greater quantity than one pint at one time, and to a veterinary surgeon duly qualified under the provisions of *The Act respecting Veterinary Surgeons* and who is lawfully and regularly engaged in the practice of his profession, for use in his profession only, but not in a greater quantity than one gallon at any one time; provided that in either case such sale shall be recorded, as provided by section 146 of this Act.

Sale of liquor to dentists. .
To veterinary surgeons.

144. Notwithstanding the provisions of the preceding section a druggist retail licensee may, under his license, sell wine for sacramental purposes, but only to a minister of the gospel, and upon his written or printed request, which shall be in the form in Schedule I to this Act.

To clergymen for sacramental purposes.

145. Every such prescription and request shall be retained by the licensee for a period of at least one year, and the licensee shall permit the same to be inspected by any person.

Prescription and request to be kept.

146. Every licensee holding a druggist's retail license shall keep, or cause to be kept, an accurate record in a book to be kept for that purpose of every sale or other disposal made by him, his partner, his clerks, servants, or agents, of any liquor under and forming an ingredient in such prescription, and of any wine sold for sacramental purposes, and of any liquor sold to

Record of sales.

to a dentist or veterinary surgeon as aforesaid, and such record shall be made before the delivery of such liquor, and shall show the time when, the name and address of the person to whom the same was made, the kind and quantity sold, and the prescription of such medical practitioner, or the request of the minister, and, in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions of this Act.

Verified copy of record to be sent to chief inspector at stated times.

147. Every licensee holding a druggist's wholesale license, or a druggist's retail license, shall on the first day of the months of August and February in each year send to the chief inspector a copy of the record mentioned in sections 141 and 146 of this Act for the months not previously returned, verified by his affidavit attached thereto, and such affidavit shall state that no other sales were made during such months save those mentioned in the copy of the record sent to the chief inspector.

Penalty for refusal to allow inspection of record.

148. Every licensee holding a druggist's wholesale license who refuses to allow the affidavit mentioned in section 140 of this Act, and every licensee who refuses to allow the record to be kept under the provisions of sections 141 and 146 of this Act, to be inspected without charge by any person, shall be guilty of an offence against this Act.

No liquor to be consumed on licensed premises.

149. No licensee, and no partner, clerk, agent or servant of such licensee, shall allow any liquor to be consumed or drunk within or upon the licensed premises.

Communication between breweries, etc. and other premises prohibited.

150. Every distiller, brewer, or other person licensed by the Government of Canada to manufacture any liquor mentioned in section 154 hereof, and every liquor exporter mentioned in section 155 hereof, and any druggist wholesale licensee who makes or uses, or allows to be made or used, any internal communication between the premises in which he is entitled to carry on the business of manufacture or sale of any liquor and any other premises, except by means of electric telephone or telegraph, shall be guilty of an offence and liable to a penalty of fifty dollars for every day during which such communication exists, and in default of payment to one month's imprisonment for each day as aforesaid.

Penalty.

PROHIBITIONS AND REGULATIONS.

Sale of liquor in Ontario prohibited.

151. No person shall, within the Province of Ontario by himself, his clerk, servant or agent, expose or keep for sale directly or indirectly, or upon any pretence, or upon any device, sell or barter, or in consideration of the purchase or transfer of any property or thing, or at the time of the transfer of any property or thing, give to any other person any liquor without having first obtained a druggist's wholesale license or a druggist's retail license under this Act authorizing him so to do, and then only as authorized by such license and as prescribed by this Act.

152. No person within the Province of Ontario by himself his clerk, servant, or agent, shall have, or keep, or give liquor in any place whatsoever, other than in the private dwelling house in which he resides, without having first obtained a druggist's wholesale license or a druggist's retail license under this Act authorizing him so to do, and then only as authorized by such license.

Keeping of liquor within Ontario except in private dwelling houses prohibited.

(1) This section shall not prevent any person engaged in mechanical business, or in scientific pursuits, from having in his possession alcohol for mechanical or scientific purposes, as the case may be, in a quantity not exceeding ten gallons at any one time, but the alcohol used in the preservation of specimens for scientific purposes shall not be included in said ten gallons, or to prevent any clergyman from having in his possession a quantity of wine for sacramental purposes not exceeding two gallons at any one time; but such person in this sub-section mentioned so having in his possession such liquor shall not use or consume, or allow to be used or consumed, any of said liquor as a beverage.

Exceptions,—Mechanical or scientific purposes.

Clergymen.

(2) Nothing in this section shall prevent an incorporated public hospital from having in its possession, for the use of the patients in such hospital, liquor, but no such liquor shall be consumed by any person other than a patient in said hospital, and then only when prescribed for or administered by a physician as provided by section 160 of this Act.

Public hospitals.

(3) Nothing herein contained shall prevent a sick person from having in his room where he sleeps the liquor prescribed for him by a physician under section 160 of this Act. But no liquor so prescribed shall be consumed or drunk by any other person than the sick person for whom it has been so prescribed.

Sick persons.

153. Nothing in section 151 hereof contained shall apply to sales under execution or other judicial process or to sales by assignees in bankruptcy or insolvency, provided that the stock of liquor is not broken for the purpose of such sale, and nothing in section 152 contained shall prevent common carriers or other persons from carrying or conveying liquor from a place outside of the Province to a place where the same may be lawfully received and lawfully kept within the Province, or from a place where such liquor is lawfully kept and lawfully delivered within the Province to a place outside the Province, or from a place where such liquor may be lawfully kept and lawfully delivered within the Province to another place within the Province where the same may be lawfully received and lawfully kept, or through the Province from a place outside of it to a place outside of it, but no person during the time such liquor is being carried, or conveyed as aforesaid shall open or break or allow to be opened or broken any package or vessel containing the same, or drink or use or allow to be drunken or used any liquor therefrom.

Sales by judicial process or by assignees in bankruptcy.

Liquor in transit.

Brewers and distillers licensed by the Government of Canada.

154. Nothing herein contained shall prevent any brewer distiller or other person duly licensed by the Government of Canada for the manufacture of spirituous, fermented or other liquors, from keeping or having liquor manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any house or building mentioned in section 106 of this Act, including the sub-section thereof, or from selling liquor therefrom to a person in another Province or in a foreign country or to a licensee under this Act.

Export liquor warehouses.

155.—(1) Nothing herein contained shall prevent any person from having liquor for export sale in his liquor warehouse, provided such liquor warehouse and the business carried on therein complies with the requirements in sub-section 2 hereof mentioned, or from selling from such liquor warehouse to persons in other provinces or in foreign countries, or to a wholesale licensee under this Act.

Construction and equipment of export liquor warehouses.

(2). The liquor warehouse in this section mentioned shall be suitable for the said business and shall be so constructed and equipped as not to facilitate any violation of this Act, and not connected by any internal way or communication with any other building or any other portion of the same building and shall be a wareroom or building wherein no other commodity or goods than liquor for export from the Province are kept or sold to such wholesale licensee and wherein no other business than keeping or selling liquor for export from the Province is carried on.

Use of liquor prohibited in Ontario, unless purchased from licensee.

156. No person shall use or consume liquor in the Province purchased and received from any person within the Province, unless it be purchased and received from a licensee. This section shall not apply to any person who within a private dwelling house innocently uses or consumes liquor not thus purchased and received.

Neglect to record sale to be *prima facie* evidence of illegal sale by brewers, distillers, etc.

157. For the purpose of evidence every brewer, distiller or other person licensed by the Government of Canada and mentioned in section 154 hereof, and every liquor exporter mentioned in section 155 hereof, who makes a sale of liquor in the Province, may immediately enter in a book to be kept for that purpose the date of such sale, the person to whom such sale was made and the person or carrier to whom the same was delivered for carriage; and the failure of such person to make, keep and produce as evidence the said entry and record of such sale shall, in any prosecution under this Act of such person for illegally making such sale of liquor, be *prima facie* evidence against such person of having illegally sold such liquor.

Sale and delivery of liquor to illicit dealers prohibited.

158 No person shall, by himself or his partner, servant, clerk, agent or otherwise, sell or deliver liquors of any kind to any person not entitled to sell liquor, and who sells such liquor

liquor and who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act, and no person shall take or carry or employ or suffer any other person to take or carry any liquor out of any premises where the same is lawfully kept for sale for the purpose of being sold in the Province by any person, except a druggist retail licensee.

159. No person shall consume any liquor in or upon any licensed premises, nor in any liquor warehouse mentioned in section 155 hereof, nor in any distillery or brewery mentioned in section 154 hereof, and no person shall purchase any liquor from any person who is not authorized to sell the same for consumption within the Province, and no person who purchases liquor shall drink or cause anyone to drink or allow such liquor to be drunk upon the premises where the same is purchased.

Consumption of liquor on any licensed premises, distillery, etc., prohibited.

160. Any physician who is lawfully and regularly engaged in the practice of his profession, and who shall deem any intoxicating liquors necessary for the health of his patients, may give such patient or patients a written or printed prescription therefor, or may administer the liquor himself; for which purpose he may have liquor in his possession not exceeding in quantity two quarts at any one time, when visiting in the discharge of his professional duties; but no such prescription shall be given or liquors administered, except in cases of actual need, and when in the judgment of such duly qualified medical practitioner the use of liquor is necessary. And every duly qualified medical practitioner who shall give such prescription or administer such liquors in evasion or violation of this Act, or who shall give to or write for any person a prescription for or including intoxicating liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any violation of the provisions of this Act, shall be guilty of an offence under this Act.

Regulations as to physicians.

(1) Any dentist who is a duly registered member of The Royal College of Dental Surgeons of Ontario and who is lawfully and regularly engaged in the practice of his profession, and who shall deem it necessary for any patient being then under treatment by him, that such patient should have a drink of liquor, may himself administer to such patient the liquor thus needed, and for such purpose he may keep in his office a quantity of liquor not exceeding one pint at any one time, but said liquor shall not be administered except in the case of actual need, and shall not be drunk or consumed by any other person than such patient, and every such dentist who shall administer such liquor in evasion or violation of this Act shall be guilty of an offence against this Act.

Dentists.

(2) Any veterinary surgeon, duly registered under the provisions of *The Act respecting Veterinary Surgeons* lawfully and regularly engaged in the practice of his profession

Veterinary Surgeons.

sion, and who shall deem liquor necessary for the health of dumb animals, may administer or cause to be administered such liquor to such dumb animals, for which purpose he may have liquor in his possession, not exceeding, however, in quantity one gallon, but no person shall drink or consume any of the said liquor.

Selling or
giving liquor
to minors.

161. No person other than the father, mother or guardian of or duly qualified medical practitioner attending such minor, or druggist retail licensee under prescription from a duly qualified medical practitioner, shall sell or give liquor to any person under the age of twenty-one years, and then only for medicinal purposes.

Penalty for
bartering, etc.

162. If any licensee receive in payment, or as a pledge for any liquor supplied in or from his licensed premises, anything except current money or the debtor's own cheque on a bank or banker, he shall for each such offence be liable to a penalty of twenty dollars, and, in default of payment, to one month's imprisonment; the person to whom anything given as a pledge, as aforesaid belongs, may recover the same, or the value thereof, in any court of competent jurisdiction notwithstanding such pledge; no licensee shall receive payment in advance for any liquor to be supplied, and the amount of any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment.

Harboring
Constables.

163. If any person authorized to sell liquor knowingly harbors or entertains, or knowingly suffers to remain on his licensed premises where such liquor is sold or kept for sale, any constable or peace officer during any part of the time for such constable or peace officer to be on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor or refreshment whatever, by way of gift or sale, to any constable or police officer on duty, he shall be guilty of an offence against this Act.

Permitting
drunkenness,
etc.

164. If any person permit gambling, drunkenness or any violent, quarrelsome, riotous, or disorderly conduct to take place in the house or on the premises of which he is the owner, tenant or occupant, or gives any liquor to any drunken person, or permits or suffers any drunken person to consume any liquor in said house or on said premises, or permits or suffers persons of bad character to assemble or meet in said house or on said premises, he shall be guilty of an offence against this Act, and, in addition to any other punishment provided by law, be liable to the penalty provided by this Act therefor.

Clubs,
societies, etc.

165. Every society, association or club heretofore or hereafter formed or incorporated, and every unincorporated society, association or club, and every member, officer and servant thereof, or person resorting thereto, who sells or barter therein

therein gives liquor to any member thereof or to any other person, and every person who directly or indirectly keeps or maintains by himself or by associating or combining with any other or others and who in any manner aids, assists or abets in keeping or maintaining any club house, club or association room or hall, or any other place where liquor is received or kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any society, club or association by any means whatever, and every person who uses, barter, sells, or gives away or assists or abets another in bartering, selling or giving away liquor so received and kept, shall be held to have violated section 151 of this Act, and shall incur the penalties provided for the sale of liquor without license.

(1) The keeping or having any liquor in the house, hall or building, or in any room or place occupied or controlled by any such club, association or society, or by any persons associating or combining together as aforesaid, shall be a violation of section 152 of this Act. Keeping liquor on club premises violation of Act.

(2) Proof of consumption or intended consumption of liquor in such premises by any member of any such club, association or society, or person who resorts thereto, shall be conclusive evidence of the sale of such liquor. Consumption to be evidence of sale.

(3) The occupant of such premises or any member of the club, association or society, or person who resorts thereto, shall be taken conclusively to be the person who has or keeps or sells therein such liquor, and any liquor found on such premises shall be liable to seizure in the manner provided by this Act. Liquor found on club premises to be liable to seizure.

166. If the occupant of any private dwelling house or of any part thereof is convicted of any offence against any of the provisions of this Act committed in or in respect of such house the same shall cease to be a private dwelling house within the meaning of this Act during the time the person so convicted occupies the said house or any part thereof. Offences committed in private dwelling house.

167. Whenever any person has drunk liquor to excess and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and such action may be brought under Chapter 166 of *The Revised Statutes of Ontario*, and the amount which may be recovered as damages shall not be less than one hundred dollars nor more than fifteen hundred dollars. Death of intoxicated person, liability of person having supplied the liquor.

PENALTIES.

168. Every person who offends against any of the provisions contained in sections 109, 142, 149, 151, 152, 153, 158 and 165 of this Penalties.

this Act, or in any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$200 nor more than \$1,000, and in default of immediate payment, to imprisonment for not less than three nor more than six months, and if the offence was committed by a licensee or by any person acting under his instructions, or with his privity or consent, he shall also be liable in the discretion of the judge, magistrate, justice or justices of the peace, to have his license forfeited and avoided and for a second offence to imprisonment for not less than six nor more than twelve months, and if the offence be committed by a licensee or any person acting under his instructions or with his privity or consent, the license of such licensee shall thereupon become forfeited and void and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.

Penalties.

169. Every person who offends against any of the provisions contained in sections 140, 141, 146, 156, 159, 160, 161 or 166 of this Act, or any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$50 nor more than \$300, and in default of immediate payment to imprisonment for not less than two months nor more than four months, and for the second offence to a penalty of not less than \$100 nor more than \$500, and in default of immediate payment to imprisonment for a term of not less than four months nor more than eight months; and if the offence was committed by a licensee, or by any person acting under his instructions or with his privity or consent, the license of such licensee shall thereupon become forfeited and void, and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.

Where penalties have not been specially provided.

170. For every offence against this Act or any of the provisions thereof, for which a penalty or penalties has or have not been specially provided by this Act, the person committing the offence shall be liable on summary conviction to a penalty of not less than ten dollars nor more than one hundred dollars, and in default of immediate payment to imprisonment for a period of not less than ten days nor more than two months.

ENFORCEMENT AND PROSECUTIONS.

Duties of inspectors.

171. The duty of seeing that the provisions of this Act are complied with and of enforcing the same, and of prosecuting persons offending against such provisions shall devolve upon the inspectors appointed pursuant to this Act. But nothing herein contained shall prevent or be construed to prevent any person from laying an information or prosecuting in respect of any offence or supposed offence against the provisions of this Act, and the Department of the Attorney-General shall not prevent any such prosecutions.

172. For the purposes in the preceding section mentioned the Lieutenant-Governor in Council shall appoint a Chief Inspector, who shall reside in the City of Toronto and have his office in the Department of the Minister and shall also appoint local inspectors who shall reside in their respective localities; one such inspector shall be appointed for each electoral district in the Province, and if it be deemed expedient for the better enforcement of the provisions of this Act the Lieutenant-Governor in Council may sub-divide the said electoral districts or any of them for the purposes of this Act and appoint a local inspector for each sub-division, and the Chief Inspector and each local inspector shall hold office during the pleasure of the Lieutenant-Governor in Council.

Appointment
of Chief In-
spector.

Of local
inspectors.

(1) The Chief Inspector and local inspectors shall be officers of the Department of the Minister and shall give the security required by the Lieutenant-Governor in Council, which shall be by bond to His Majesty as provided by *The Act respecting Public Officers*

Inspectors to
give security.

(2) The salary of the Chief Inspector and of each of the local inspectors shall be fixed by the Lieutenant-Governor in Council

Salary of
inspectors.

173. The Chief Inspector shall perform the duties specially given to him by this Act and shall make a special inspection of licensed premises and other premises where liquor may be lawfully kept for sale in the Province, and shall see that the books and accounts of each local inspector are properly kept and all entries properly made, and shall examine into the accounts and mode of inspection of each local inspector and into the way in which he enforces the provisions of this Act, and shall ascertain whether or not the duties of such local inspector are faithfully and efficiently performed, and he shall hold investigations into the conduct of the local inspectors when required so to do by the Minister and shall report upon all matters for his information as expeditiously as possible.

Duties of
Chief In-
spector.

(1) Where the Chief Inspector inquires or causes an inquiry to be made into the conduct of any local inspector or into the manner in which the law is enforced by any local inspector, or into the accounts of a local inspector, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have the same power to summon witnesses and to enforce their attendance and to compel the production of books and documents as is vested in any court in civil cases.

Inquiry by
Chief Inspec-
tor into con-
duct of local
inspector.

(2) The Chief Inspector shall also perform such other duties in respect of this Act and its enforcement as may be assigned to him by the Lieutenant-Governor in Council.

174. Each local inspector shall perform the duties specially devolving upon him under any provisions of this Act and

Duties of local
inspectors.

shall inspect all licensed premises and other premises in his locality where liquor may be lawfully kept for sale, and he shall see that all provisions of this Act are observed and enforced in his district and that all persons offending against such provisions are promptly prosecuted, and he shall perform such other duties as may be assigned to him in respect of this Act and its enforcement by the Lieutenant-Governor in Council.

Duty of inspector or constable on receiving information of any violation of Act.

175. Every inspector appointed under this Act, and every policeman or constable shall be deemed to be within the provisions of this Act, and where any information is given to any such inspector, policeman or constable that there is cause to suspect that some person is violating any of the provisions of this Act it shall be his duty to make diligent inquiry into the truth of such information and to enter complaint, in his own name, of such violation before the proper county court judge, magistrate or justice or justices of the peace, without communicating the name of the person giving such information.

PROSECUTIONS.

Procedure provided for prosecutions.

176. All prosecutions for any violation of any of the provisions of this Act and all proceedings for the imposition of punishment by fine, penalty or imprisonment, for infraction of any of the provisions of this Act, may be brought for hearing and determination before a county or district court judge or a police or stipendiary magistrate, or before any justice or two justices of the peace for this Province under the provisions and procedure of *The Ontario Summary Convictions Act* and any amendments thereto and of sections 839 to 909, both inclusive, of the Act of the Parliament of Canada known as the *Criminal Code, 1892*, and the Acts already passed or which may hereafter be passed amending the same, and the provisions of the said *The Ontario Summary Convictions Act* and amendments thereto and of said sections 839 to 909 both inclusive, and of the amendments thereto made or to be made as aforesaid shall apply to all prosecutions and proceedings under this Act so far as the same are consistent with this Act. The expression "Justice of the peace" or "Justice" in the said *The Ontario Summary Convictions Act*, and any amendments thereto and in any of said sections 839 to 909, both inclusive, or in any of said amendments to said sections passed or to be passed as aforesaid, shall for the purposes of this Act include a county court judge or district court judge unless the context otherwise requires, provided however that where any person is tried before a county or district court judge for any offence against the provisions of this Act there shall be no appeal from the decision of such county or district court judge and appeals from the conviction or order of a justice or justices of the peace shall be heard and determined in the manner provided in said Act without the intervention of a jury, but nothing herein contained shall take away the right or remedy by way of "habeas corpus" or "certiorari."

177 When any prosecution is brought for hearing and determination before any police or stipendiary magistrate, no other magistrate shall sit or take part therein except for the purposes of making a remand or adjournment by reason of the absence of such police magistrate.

Magistrate seized of the case to complete same.

178. If such prosecution be brought for hearing and determination before two justices of the peace, no other justice shall sit or take part therein, unless by reason of their absence or the absence of one of them, nor yet in the latter case unless with the assent of the other of them.

So also where justices seized.

179. Any justice of the peace refusing to receive any information or complaint under the provisions of this Act, or refusing to sit on any case thereunder, shall be reported by the inspector to the Attorney-General, and, on the refusal being established, the justice may be asked to tender his resignation and, in case of refusal, be dismissed by the Lieutenant Governor in Council.

J. P. refusing to act to be reported to Attorney-General.

180. Several charges of contravention of this Act committed by the same person may be included in one and the same information or complaint, provided that such information and complaint and the summons issued thereon contains the time and place of each contravention.

Several offences charged in one complaint.

181. The description of any offence under this Act in the words of this Act or in words of like effect, shall be sufficient in law, and any exception, exemption, provision, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, but, if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Description of offences.

182. In describing offences respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, receiving or the consumption of liquor, in any information, summons, conviction, warrant or proceeding under this Act, it shall be sufficient to state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing receiving or consumption of liquor simply, without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Contents of information.

Amendments
of information
allowed.

183. At any time before judgment the said county or district court judge, magistrate, justice or justices may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act, but, if it appears that the defendant has been materially misled by such amendment, the said county or district court judge, magistrate, justice or justices, shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Attendance
and examina-
tion of
witnesses.

184. In any prosecution under this Act the county or district court judge, magistrate, justice or justices of the peace, trying the case, may summon any person represented to him as a material witness in relation thereto, and if such person refuse or neglect to attend pursuant to such summons, the county or district court judge, magistrate, justice or justices of the peace may issue his warrant for the arrest of such person, and he shall thereupon be brought before the county court or district judge, magistrate, justice or justices of the peace, and if he refuse to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the judicial district or to a lock-up, there to remain until he consent to be sworn or to affirm and to answer.

Production of
books, etc.

185. Any person summoned as a party to, or as a witness in, any proceeding under this Act may, by the summons, be required to produce at the time and place appointed for his attendance all books and any papers, accounts, deeds and other documents including a license, in his possession, custody, or control relating to any matter connected with the said proceeding, and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn or answer any question touching the case.

Witness
bound to
answer ques-
tions.

186. Every person, other than the defendant or his wife, summoned or examined as a witness in any prosecution brought under this Act, is bound to answer all questions put to him and which are pertinent to the issue, notwithstanding that his answer may disclose facts tending to subject him to any penalty imposed by this Act, but such evidence shall not be used against him in any prosecution.

Certificate of
inspector to
be evidence.

187. In any prosecution or proceeding under this Act, in which proof is required respecting the issue, transfer or cancellation of any license, a certificate under the hand of the chief inspector shall be *prima facie* proof of the existence, transfer or cancellation of such license as the case may be, and in case of issue or transfer, of the person to whom the same was granted or transferred, and the production of such certificate shall be sufficient *prima facie* evidence of the facts

facts stated therein, and of the authority of the chief inspector, without any proof of his appointment or signature.

188. Any house, shop, room or other place in which it is proved that there exist beer pumps, or any other appliances or preparations similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in, other than those of common use in private houses, shall be *prima facie* evidence that it is a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of this Act, and the occupant of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquor for sale, traffic or barter therein.

Appliances of liquor trade *prima facie* evidence.

189. In proving the sale or disposal, giving, purchasing or receiving gratuitously or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the judge or magistrate or justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal, giving, purchasing or receiving actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

Proof of contravention.

190. The occupant of any house, shop, room or other place in which any sale, barter or traffic, having, keeping or giving liquor, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed by this Act, notwithstanding such sale, barter or traffic, having, keeping or giving be made by some other person who cannot be proved to have so acted on, under or by, the directions of such occupant and proof of the fact of such sale, barter or traffic, having, keeping or giving, or other act, matter or thing by any person in the employ of such occupant or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be *prima facie* evidence that such sale, barter, traffic, having, keeping or giving or other act, matter or thing took place with the authority and by the direction of such occupant.

Occupier of premises liable for contravention on his premises.

191. The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving such liquor.

Burden of proof.

Description of
liquor sold not
necessary.

192. In any prosecution under this Act in respect of any sale, purchase, disposal, giving, having, keeping, or receiving of liquor, it shall not be necessary that any witness depose directly to the precise description of the liquor sold, purchased, disposed of, given, had, kept or received, or the precise consideration, if any therefor.

Burden of
proof of
license on
defendant.

193. In any prosecution under this Act whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed and that he did the said act lawfully.

What *prima*
facie evidence
of sale.

194. If, in the prosecution of any person charged with committing an offence against any of the provisions of this Act in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of, or concerning which, he is being prosecuted, such person shall be obliged to prove that he did not commit the offence with which he is so charged.

Presence of
sign, etc.,
prima facie
evidence of
unlawful sale
or keeping.

195. The fact of any person, not being a licensed person keeping up any sign, writing, printing or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale and keeping for sale, and having and keeping of liquor by such person.

Defendant
competent
witness.

196. On the trial of any proceeding, matter or question under this Act the person opposing or defending shall be competent to give evidence in such proceeding, matter or question.

CASES OF SEVERAL CONVICTIONS.

Proceedings
where
previous
convictions
charged.

197. The proceedings upon any information for an offence against the provisions of this Act, in a case where a previous conviction or convictions are charged, shall be as follows:—

Charge for
subsequent
offence to be
tried first.

(1) The judge, magistrate, justice or justices of the peace shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then, and not before, be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted, he shall be sentenced accordingly; but if he denies that he was so previously convicted

convicted, or does not answer such question, the judge, magistrate or justice shall then inquire concerning such previous conviction or convictions.

(2) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting judge, magistrate, justice or justices of the peace, or the clerk of the peace to whose office the conviction has been returned, without proof of signature or official character. Proof of previous conviction.

(3) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void, the judge, magistrate, justice or justices of the peace by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance. Subsequent conviction, if former quashed, may be amended.

(4) In case of any person who has been convicted of a contravention of any provision of any of the sections of this Act mentioned in sections 109, 142, 149, 151, 152, 153, 155, 158 and 167 hereof is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence within the meaning of the said section, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections. Conviction under certain sections after previous conviction.

198. A conviction may, in any case, be had as for a first offence, notwithstanding that there may have been a prior conviction or convictions for the same or any other offence. Conviction may be as for first offence.

199. One conviction for several offences, and providing a separate penalty for each, may be made under this Act, although such offences may have been committed on the same day, but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days, and after information laid for a first offence. Conviction for several offences.

200. When not otherwise provided, a second conviction of a licensed person under this Act, for any violation or contravention of the provisions of this Act shall *ipso facto* operate as a forfeiture of his license, and disqualify the person convicted from obtaining a license for three years thereafter. Forfeiture of license and disqualification on second conviction.

COSTS.

Costs of conviction.

201. In every case where a penalty is authorized by this Act to be inflicted, the judge, magistrate, justice or justices of the peace shall have the power to order costs to be paid in addition to the amount of the penalty, and such costs when so ordered shall be considered part of the penalty.

Magistrates fees.

202. Among other costs the magistrate or justice shall be entitled to charge the following sums :—

For making up and forwarding certificate of conviction to the chief inspector, the sum of fifty cents ; for recording the conviction on the license, the sum of fifty cents.

CONVICTIONS AND SUBSEQUENT PROCEEDINGS.

Defect in form or substance not to invalidate process.

203. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction or by reason of the punishment imposed or the conviction or order made being in excess of that which might lawfully have been imposed or made or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act within the jurisdiction of the judge, magistrate, justice or justices of the peace or other officer who made or signed the same and provided there be evidence to prove such offence, and that it can be understood from such conviction warrant or process that the appropriate penalty or punishment for such offence was thereby adjudged.

Applications to quash, etc., to be decided on merits.

204. Upon any application to quash or set aside any such conviction or order or the warrant for enforcing the same or other process or proceeding whether in appeal or upon habeas corpus or by way of certiorari or otherwise the court or judge to which or to whom such appeal is made or to which or to whom such application has been made upon habeas corpus or by way of certiorari or otherwise shall dispose of such appeal or application upon the merits notwithstanding any such variance, excess of jurisdiction or defect as aforesaid, and in all cases where it appears that the merits have been tried and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, and there is evidence to support the same, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be) and such court or judge may in any case amend the same if necessary ; and any conviction, warrant, process or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

205. Whenever a licensee is convicted of any offence against the provisions of this Act a record thereof shall be endorsed on the license of the person convicted, and the following provision shall immediately have effect, that is to say:—

Record of conviction to be indorsed on license.

(a) The judge, magistrate, justice or justices before whom any licensed person is accused shall require such person to produce and deliver to him the license under which such person carries on business, and the summons shall state that such production will be required; and

Production of license.

(b) If such person be convicted the court shall cause short particulars of such conviction and of the penalty imposed to be indorsed on his license before it is returned to the offender; and

Indorsement.

(c) The chief inspector shall enter the particulars respecting such conviction or such of them as the case may require, in the register of licenses kept by him under this Act, and all judges, magistrates and justices shall immediately notify the chief inspector in writing of any convictions they have made; and

Entry in Register.

(d) Where the conviction of any such person has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Act, the license shall be forwarded by the judge, magistrate, justice or justices with notice of such forfeiture or disqualification, to the chief inspector.

Where forfeiture ensues, chief inspector to be notified.

206. The judge, magistrate, justice or justices of the peace on any conviction of any person for an offence against this Act shall send forthwith to the chief inspector a certificate of such conviction.

Certificate of conviction.

207. All persons convicted of offences under this Act punishable by imprisonment may be so imprisoned in the common gaol of the judicial district within which such conviction takes place.

Place of imprisonment.

208. Every corporation incorporated by or under an Act of the Legislature of Ontario and every corporation incorporated otherwise than by or under an Act of the said Legislature which transacts any business within the Province shall be deemed to be and shall be in all respects subject to the provisions of this Act and every such corporation shall as to any act, matter or thing done in Ontario in, about, concerning and touching or relating to liquor, be deemed to be and shall be within the jurisdiction of the courts of this Province and of every judge, magistrate, justice or justices of the peace within the Province. It shall not be necessary for the prosecutor in any proceeding under this Act against a corporation to prove the fact of incorporation.

Corporations to be deemed within the jurisdiction of the courts of the Province.

Prosecutions,
etc., of cor-
porations.
manner of
service.

209. In all prosecutions, actions or proceedings under the provisions of this Act against a corporation every summons, warrant, order, writ or other proceeding may in addition to any other manner of service which may be provided or authorized by law, be served on such corporation by delivering the same to any officer, attorney, or agent of the said corporation or by leaving it at any place where it carries on any business; provided that service in any other way shall be deemed sufficient if the court, judge, magistrate, justice or justices of the peace by or before whom such summons, warrant, order, writ or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, shall be of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of such corporation.

Penalty, how
recovered
against cor-
porations.

210. Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, magistrate, justice or justices of the peace, by his or their conviction or order after adjudging payment of such penalty, compensation or sum of money with or without costs may order and adjudge that in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

Copy of con-
viction may be
filed.

(2). In any such case and in addition to the other remedies provided hereby a copy of such conviction or order certified to by any judge, magistrate, justice or justices of the peace or by the officer in whose custody the same is by law required to be kept, may be filed in the Central Office at Osgoode Hall, in the City of Toronto, and such conviction or order may become a judgment of the High Court, and all proceedings may thereupon be taken and had as on any judgment of said court.

Cancellation
of corpora-
tion's license
in default.

(3). In the case of the conviction of or an order against a corporation, which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be not paid according to the terms of the conviction or order the Lieutenant Governor in Council may in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the license so issued to such corporation.

Proviso.

(4) Provided always that nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise can or may by law be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

DISPOSITION OF PENALTIES.

211. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting judge, magistrate, justice or justices of the peace and shall by him be paid to the Provincial Treasurer. Payment of fines.

212. All fines levied under this Act shall go to the consolidated revenue fund of this Province, except as hereinafter provided. To go to consolidated revenue fund.

REMISSION OF PENALTIES.

213. No judge, magistrate, justice or inspector shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act, and every judge, magistrate and justice is hereby required to make a return of the case and pay over all fines and money immediately on receiving the same to the Provincial Treasurer. Penalties not to be remitted.

214. The Lieutenant Governor in Council may in a proper case order any fine under this Act to be remitted or, if paid, to be refunded in whole or in part. Lieutenant-Governor may remit fine.

POWERS OF INSPECTORS AND OFFICERS.

215. Any police officer, policeman or constable or inspector of licenses shall, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at any time have the right to enter into any or every part of any place other than a private dwelling house, whether under license or not, and to make searches in every part thereof and of the premises connected therewith as he may think necessary for the purposes aforesaid. Officers may enter and search premises.

(2). Every person being therein or having charge thereof who refuses or fails to admit such police officer, policeman, constable or inspector demanding to enter in pursuance of this section in the execution of his duty or who obstructs or attempts to obstruct the entry of such police officer, policeman, constable or inspector on any such searches as aforesaid, shall be guilty of an offence against this Act. Penalty of refusing admittance to officers.

216. Any county or district court judge, magistrate or justice of the peace, if satisfied by information on the oath of any police officer, policeman, constable or inspector that there is reasonable ground for belief that any liquor is being sold or kept for sale or disposal or had or kept contrary to the provisions of this Act in any place within his jurisdiction, may grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter if need be by force the place named in the warrant and every part thereof and of the premises Search warrant.

premises connected therewith, and to examine the same and search for liquor therein; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastenings of such premises or any part thereof or of any closet, cupboard, box, or other article suspected to contain any such liquor; and in the event of any liquor being so found unlawfully had or kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purposes of sale contrary to the provisions of this Act, and may be arrested by such officer or person having the warrant for searches aforesaid, and any person so arrested shall be liable to be charged and dealt with as provided under this Act, and may be fined or imprisoned therefor as provided in section 151 of this Act.

Seizure and
forfeiture of
liquors and
vessels.

(2). When any inspector, policeman or officer, in making or attempting to make any search under or in pursuance of the authority conferred by this Act or under the warrant mentioned in this section, finds in an unlicensed house or place any liquor, which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same and the vessels in which the same is kept; and upon the conviction of the occupant of such house or place or any other person for keeping liquor for sale or unlawfully having or keeping liquor in such house or place, the justice making said conviction may in and by the said conviction or by a separate and subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to His Majesty to be sold or destroyed as the Minister may direct, and the proceeds of any such sale shall be forthwith transmitted to the Provincial Treasurer to form part of the Consolidated Revenue fund.

Powers of
officers.

217. Police officers, policemen and constables shall have full authority to enforce any of the provisions of this Act.

Register of
licenses.

218. (a). The Chief Inspector shall keep a register to be called "The Register of Licences", containing the particulars of all licenses granted in each district, the premises in respect to which they are granted, the names of the licensees and the names of the sureties to any bond given by any such licensee in pursuance of the provisions of this Act; and he shall also enter on the register all forfeitures of licenses, disqualifications of licensees, records of convictions and other matters relating to the licenses then on the register; and he shall keep a record of all applications made under this Act, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard, and the manner in which the same were disposed of, including in cases of refusal the cause, or causes thereof; and

Record of
applications.

Extracts to be
furnished.

(c) On request forthwith transmit extracts from any such register of licenses or record of applications to any local inspector,

spector, or to the clerk of any court within this Province, which extracts purporting to be signed by the chief inspector shall be *prima facie* evidence of the statements contained therein.

Chief inspector's annual report.

219. The chief inspector shall also report annually on the thirty-first day of December to the Minister, and this report shall contain :

(a) A statement of the number and description of licenses, and the names of applicants to whom licenses were granted during the year.

(b) The names of applicants to whom licenses were not granted.

(c) Any other statement required to be entered in the Register of Licenses.

(d) The prosecutions for infractions of this Act, and the result of the same.

(e) General remarks as to the working of the law within the Province.

(f) And also any other remarks asked for by the Minister.

220. The local inspectors shall on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year report to the Chief Inspector all prosecutions and convictions obtained under this Act in their respective districts either by them or to their knowledge, giving dates, names of parties, amounts of fines, and the names of magistrates before whom respectively the cases were tried.

Reports of local inspectors to Chief Inspector.

GENERAL PROVISIONS.

221. No member of the Legislative Assembly shall be a party to any bond to be given under this Act.

Member of Assembly not to be bondsman.

222. While this Act is intended to prohibit and shall prohibit transactions in liquor which take place wholly within the Province of Ontario except under a license or as otherwise specially provided by this Act, and restrict the consumption of liquor within the limits of the Province of Ontario, it shall not affect and is not intended to affect *bona fide* transactions in liquor between a person in the Province of Ontario and a person in another province or in a foreign country, and the provisions of this Act shall be construed accordingly.

Provisions of Act not to affect certain transactions in liquor.

223. *The Liquor License Act*, being chapter 245 of the Revised Statutes of Ontario, 1897, and all amendments thereto are hereby repealed.

Repeal.

SCHEDULE

SCHEDULE A.

FORM 1.

(Referred to in Section 7.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACES FOR OPENING THE POLL.

PROCLAMATION.

County (Riding, City, Town or other Electoral District, as the case may be) of _____, to wit :

Public Notice is hereby given to the Electors of the County (or as the case may be) of _____ that in pursuance of Part I. of *The Liquor Act, 1902*, poll will be opened on the _____ day of the month of _____, in the year _____, in each of the Townships, Wards or Polling Subdivisions in which a polling place is to be opened and kept according to law, viz., (*here set out boundaries of polling sub-divisions and polling place in each*). Of all which every person is hereby required to take notice, and to govern himself accordingly.

Given under my hand at _____, this _____ day of the month of _____, in the year 19 _____.

(Signature)

A. B.,
Returning Officer.

FORM 2.

(Referred to in Section 13.)

OATH OF THE RETURNING OFFICER.

I, the undersigned A. B., Returning Officer for the County (or Riding or as the case may be) of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said County (or Riding, as the case may be) of _____ and that I will act faithfully in that capacity, without partiality, fear, favour or affection : So help me God.

(Signature)

A. B.,
Returning Officer.

FORM 3.

(Referred to in Section 14.)

COMMISSION OF RETURNING OFFICER'S CLERK.

To E. B. (*set forth his legal addition and residence*).

Know you, that in my capacity of Returning Officer for the County (or as the case may be) of _____, I have appointed and do hereby appoint you to be my Clerk, to act in that capacity according to law at the approaching vote upon *The Liquor Act, 1902*, for the said County (or as the case may be) of _____.

Given under my hand this _____ day of _____, in the year 19 _____.

(Signature)

A. B.,
Returning Officer.

55 V. c. 3, Form 3.

FORM

FORM 4.

(Referred to in Section 15.)

OATH OF THE RETURNING OFFICER'S CLERK.

I, the undersigned *E. F.*, appointed Returning Officer's Clerk for the County *(or as the case may be)* of _____, solemnly swear *(or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm)* that I will act faithfully in my said capacity of Returning Officer's Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection : So help me God.

(Signature) *E. F.*,

Election Clerk.

55 V. c. 3, Form 4.

FORM 5.

(See Sections 5 and 29.)

FORM IN WHICH THE BLANK VOTERS' LIST IN THE POLL BOOK TO BE FURNISHED BY THE CLERK OF THE CROWN IN CHANCERY TO RETURNING OFFICERS IS TO BE PREPARED.

Number prefixed.	NAME OF VOTERS.	Place of Residence.	If Voter is an Unfranchised Indian shew properly qualification.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	Column for marks indicating that Voter has offered to vote.	REMARKS.

NOTE.—The Numbers directed by section 41 of this Act to be prefixed by the Deputy Returning Officer to the names in the Voters' List are to be placed in the first column.

FORM 6.

(Referred to in Section 24.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To G. H. (Insert his residence and legal addition.)

Know you that, in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be Deputy Returning Officer for the _____ Polling Subdivision of the Township (or as the case may be) of _____ in the said Electoral District, there to take the votes of the electors according to law, at the polling place to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll for the voting upon *The Liquor Act, 1902*, for the said _____ Polling Subdivision of the said Township (or as the case may be) of _____ on the day of _____ A.D. 19____, at nine o'clock in the forenoon, at (here describe particularly the place in which the poll is to be held), and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and to return to me on or before the _____ day of _____ A.D. 19____, together with this commission, the several packets and documents required to be returned to me in the manner prescribed by Part I of *The Liquor Act, 1902*.

Given under my hand at the _____ of _____ in the County (or as the case may be) of _____ this _____ day of _____ A.D. 19____.

(Signed) _____ A. B.,
Returning Officer.

FORM 7.

(Referred to in Section 25.)

OATH OF DEPUTY RETURNING OFFICER.

I, the undersigned G. H., appointed Deputy Returning Officer for the _____ Polling Subdivision of the Township (or as the case may be) of _____, in the County (or as the case may be) of _____, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully, in my said capacity of Deputy Returning Officer, without partiality, fear, favour or affection. So help me God.

(Signature) _____ G. H.,
Deputy Returning Officer.

FORM 8.

(Referred to in Section 32.)

CERTIFICATE OF CLERK OF MUNICIPALITY.

Shewing date fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the County Judge under section 17 of The Ontario Voters' Lists Act:

Voting upon *The Liquor Act, 1902,*

for the Electoral District of

I,

clerk of the Municipality of

in the County of

, do hereby

certify that the time fixed for the assessor to begin to make the assessment roll on which the voters' list proper to be used for the purposes of the last general election of members to serve in the Legislative Assembly is based, was the day of 19, and that the last day on which a complaint could be made to the County Judge under section 17 of *The Ontario Voters' Lists Act* in respect of any error or omission in the said voters' list, was the day of 19.

Dated this

day of

19 .

(Signed)

Clerk.

FORM 9.

(Referred to in Section 32).

CERTIFICATE OF CLERK AS TO DATES OF RETURN AND FINAL REVISION OF
THE ASSESSMENT ROLL.

Voting upon *The Liquor Act, 1902,*

Electoral District of

I, A. B., Clerk of the Municipality of , in the County of , do hereby certify that the Assessment Roll for this Township (or as the case may be), of , upon which the Voters' List to be used at the last general election of members to serve in the Legislative Assembly was based, was returned to me by the Assessor for said Township (or as the case may be), on the day of , 19, and that the same was finally revised and corrected on the day of , 19.

Dated this

day

, 19 .

A. B.,

Clerk.

FORM 10.

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

(Referred to in Section 5.)

It is the sworn duty of the Deputy Returning Officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has voted; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction before a stipendiary or police magistrate or before two justices of the peace, to imprisonment with hard labour for six months.

No person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the voting, or shall attempt to do so; and any returning officer guilty of any violation of such section is liable to imprisonment for two years, with hard labor, and any other person guilty of such violation to imprisonment for six months, with hard labor.

In addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of \$400.

This notice is placarded by order of the Legislature.

CHARLES CLARKE *(or as the case may be)*
Clerk of the Crown in Chancery.

FORM 11.

(Referred to in Section 6.)

FORM OF DECLARATION BY AGENT.

In the matter of The Liquor Act, 1902.

I do solemnly declare that I am interested in and desirous of obtaining an affirmative *(or a negative, as the case may be)* answer to the question stated in the ballot paper.

Solemnly declared at
 this day of
 1902. Before me

} *(Signature of Agent.)*

A. B.,

Returning Officer or Deputy Returning Officer *(as the case may be.)*

FORM

FORM 12.

(Referred to in Section 42.)

COMMISSION OF A POLL CLERK.

To *I. J.* *(Insert his legal addition and residence.)*

Know you, that in my capacity of Deputy Returning Officer for the
 Polling Subdivision of the Township *(or as the case may be)*
 of _____, in the County *(or as the case may be)* of _____
 I have appointed and do hereby appoint you to be
 Poll Clerk for the said _____ Polling Subdivision of the said
 Township *(or as the case may be)* of _____
 Given under my hand, at _____ this _____ day of _____
 the month of _____, in the year 19 _____

*(Signature)**G. H.,*

Deputy Returning Officer.

FORM 13.

(Referred to in Section 42.)

OATH OF A POLL CLERK.

I, the undersigned *I. J.*, appointed Poll Clerk for the _____ Poll-
 ing Subdivision of the Township *(or as the case may be)* of _____
 in the County *(or as the case may be)* of _____, do solemnly
 swear *(or, if he be one of the persons permitted by law to affirm in civil cases,*
 do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk,
 and also in that of Deputy Returning Officer, if required to act as such,
 according to law, without partiality, fear, favour or affection : So help me
 God.

*(Signature)**I. J.,*

Poll Clerk.

55 V. c. 3, Form 15.

FORM 14.

*(Referred to in Section 53.)*OF OATH IN ORDINARY CASES TO BE ADMINISTERED AT AN ELECTION
TO A VOTER BY VIRTUE OF MANHOOD SUFFRAGE.

(1) You swear (1) That you are the person named or intended to be
 named by the name of _____ in the list of voters now
 shown to you in the poll book.

(2) That you are a British subject by birth or naturalization.

(3) That you have resided within this Province for nine months before
 the (2) _____ day of _____, being the day
 fixed by statute or by by-law authorized by statute for beginning to make
 the assessment roll in which you were entitled to be entered as a person
 qualified to vote.*

(4) That you were at the date aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered; that you have resided in this Province continuously from the said date (3) and that you are now actually residing and domiciled therein at (state place of residence, giving street number or lot and concession.)

or

[(3) That you have resided within this Province for twelve months before the (2) day of , being the day up to which complaint could be made to the County Judge under *The Ontario Voters' Lists Act* to insert the name of any person in the list.

(4) That you were at the time aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered; that you have resided in this Province continuously from the said date (3), and that you are now actually residing and domiciled therein at] (state place of residence, giving street number or lot and concession).

(5) That you are entitled to vote upon this question and in this municipality.

(6) That you are of the full age of 21 years.

(7) That you have not voted before upon this question, either at this or any other polling place.

(8) That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote upon this question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

(9) And that you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this question

So help you God.

NOTE.—(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) The date to be inserted is at the choice of the elector to be either the date fixed by law for the assessor to begin to make the assessment roll or the last day for making a complaint to the County Judge under section 17 of *The Ontario Voters' Lists Act*. (See copy of certificate of clerk.)

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following “except occasionally or temporarily, in the prosecution of your occupation as (mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)”

FORM 15.

(Referred to in Section 53.)

FORM OF OATH TO BE ADMINISTERED TO MANHOOD SUFFRAGE VOTERS AT ELECTIONS IN CITIES AND IN TOWNS TO WHICH THE MANHOOD SUFFRAGE REGISTRATION ACT APPLIES.

1. You swear (1) that you are the person named or intended to be named by the name of in the list of voters now shown to you in the poll book.

2. That you are a British subject by birth or naturalization.

3. That you resided within this Province for the twelve months next preceding the (2) day of 19 (3).

4. That you were on the said day in good faith a resident of and domiciled in this electoral district; that you have resided in this Province continuously from the said day and that you are now actually residing and domiciled therein at (state place of residence, giving street number or lot and concession).

5. That you are entitled to vote upon this question in this electoral district.

6. That you are of the full age of 21 years.
7. That you have not voted before upon this question, either at this or any other polling place.
8. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote upon this question or for loss of time, travelling expenses, hire of team, or any other service connected therewith.
9. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this question. So help you God.

NOTE.—(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) Insert here the day of the first sitting held for the registration of manhood suffrage voters, on which the poll book is based.

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, “except occasionally or temporarily in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)”

FORM 16.

(Referred to in Section 53.)

FORM OF OATH TO BE ADMINISTERED TO A VOTER IN UNORGANIZED TERRITORY WHERE THERE IS NO ASSESSMENT ROLL.

1. You swear (1) that you are the person named or intended to be named by the name of _____ in the list of voters now shown to you in the poll book.
2. That you are a British subject by birth or naturalization.
3. That you have resided within this Province for nine months before the (2) first day of June, 19 ____.
4. That you were at the date aforesaid in good faith a resident of and domiciled in this electoral district, and that you have resided in this Province continuously from the said date (3), and that you are now actually residing and domiciled therein at (*state place of residence, giving street number or lot and concession*).
5. That you are entitled to vote upon this question and at this polling place.
6. That you are of the full age of twenty-one years.
7. That you have not voted before upon this question, either at this or any other polling place.
8. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote upon this question or for loss of time, travelling expenses, hire of team, or any other service connected therewith.
9. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this question. So help you God.

(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) The date to be here inserted is the first day of June in the year in which the last voters' list was prepared.

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, “except occasionally or temporarily in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)”

FORM 17.

(Referred to in Section 13).

FORM OF OATH OF UNENFRANCHISED INDIAN VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE WHERE THERE IS AN ASSESSMENT ROLL.

1. You swear (1) that you are the person named or intended to be named by the name of _____ on the list of voters now shewn (2) to you in the poll book.

2. That on the (3) _____ day of _____ 19 _____, you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant in your own right or in the right of your wife of the real estate in respect of which your name is as aforesaid entered on the said list of voters in the poll book, and are as such entitled to vote upon this question.

3. That you do not reside among Indians or on an Indian reserve.

4. That you are actually and in good faith a resident of and domiciled within this Province at *(state place of residence, giving street number or lot and concession.)*

5. That you are of the full age of twenty-one years.

6. That you are a subject of His Majesty either by birth or by naturalization ;

7. That you have not voted before upon this question, either at this or any other polling place ;

8. That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote upon this question or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

9. And that you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, upon this question. So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "swear substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon shew the voters' list in the poll book to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list in the poll book is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

FORM 18.

(Referred to in Section 53.

FORM OF OATH OF UNENFRANCHISED INDIAN VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE WHERE THERE IS NO ASSESSMENT ROLL.

1. You swear (1) that you are the person named or intended to be named by the name of _____ on the list of voters now shown (2) to you in the poll book.

2. That on the first day of June, 19 (3), you were actually, truly and in good faith possessed to your own use and benefit as either owner, tenant, or occupant, in your own right or in the right of your wife of real estate of the value of \$100, being the real estate in respect of which your name is as aforesaid entered on the said list of voters in the poll book, and are as such entitled to vote upon this question.

FORM

FORM 20.

(Referred to in Section 70.)

BALLOT PAPER ACCOUNT.

Received from Returning Officer.			
Ordinary Ballot Papers	.....	.....	.....
Tendered Ballot Papers	.....	.....	.....
Manner in which Ballot Papers dealt with.			
(1) Number Counted	.....	Packets A and B	.....
(2) " Rejected	.....	Packet C	.....
(3) " Unused	.....	Packet D	.....
(4) " Spoiled	.....	Packet E	.....
(5) " Ballot Papers given to Voters who afterwards returned the same de- clining to vote	.....	} Packet F	.....
(6) " Declaration of "Inability to read and "Physical incapacity" and all cer- tificates received by Deputy - Returning Officer		} Packet G
(7) " Ballot Papers taken from the polling place		

(Signed)
Deputy Returning Officer.

Dated this day of A.D., 19 .

FORM 21.

(Referred to in Section 61.)

FORM OF DECLARATION OF INABILITY TO READ.

I, A.B., of _____, being numbered _____ on the list of voters for Polling Subdivision No. _____, in the Electoral District of _____, do hereby declare that I am unable to read [or that I am from physical incapacity unable to mark a ballot paper, (as the case may be.

The _____ day of _____ A. B. (His x mark.)
A.D. 19 ____.

FORM 22.

*(Referred to in Section 61.)*FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE
DECLARATION OF INABILITY TO READ.

I, the undersigned, being the Deputy Returning Officer for Polling Subdivision No. _____ for the Electoral District of _____ do hereby certify that the above *(or as the case may be)* declaration, having been first read to the above named A. B., was signed by him in my presence with his mark.

(Signed) C. D.,

Deputy Returning Officer for Polling
Subdivision No. _____, in the Electoral
District of _____

Dated this _____ day of _____, A.D. 19 ____.

FORM 23.

*(Referred to in Section 72.)*OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING
OF THE POLL.

I, the undersigned, Deputy Returning Officer for the Polling Subdivision of the Township *(or as the case may be)*, of _____ in the Electoral District of _____, do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said _____ Polling Subdivision of the said _____ was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

I further solemnly swear that my examination of the ballot papers after the closing of the polling to ascertain that they were the ballot papers which I had supplied, was made and completed before opening the ballot papers in order to count the same, and that in making this examination I looked at the backs only and so far only as was necessary for the said purpose, and without opening any ballot paper, or seeing, or permitting any one to see, the front thereof.

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper.

I further solemnly swear that I have not by any means whatever attempted to ascertain how any person voted upon this question; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.

I further solemnly swear that I have not communicated and will not hereafter communicate to any person, directly or indirectly, any information.

tion as to how any voter voted, or any information which might or may enable or assist any person to ascertain how any person has voted. And lastly, that the within statement of the poll and ballot paper account are correct in every particular to the best of my knowledge and belief.

(Signed) C. D.,
Deputy Returning Officer.

Sworn and subscribed before me at
this day of , A.D. 19 .

(Signed) X. Y.,
Justice of the Peace.

Or A. B.,
Returning Officer.

Or C. D.,
Election Clerk.

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

55 V. c. 3, Form 25.

FORM 24.

OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL

(Referred to in Section 73.)

I, the undersigned Poll Clerk for the Polling Subdivision of , in the Electoral District of , do solemnly swear that the annexed voters list used in and for the said Polling Subdivision of the said under the direction of , who has acted as Deputy Returning Officer for such Polling Subdivision, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain how any voter marked his ballot upon this question.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person, directly or indirectly, any information as to how any voter voted, or any information which may enable any person to ascertain how any person has voted. And lastly, that the within statement of the poll is correct in every particular to the best of my knowledge and belief.

(Signed) E. F.,
Poll Clerk.

Sworn and subscribed before me at this
day of , A.D. 19 .

(Signed) X. Y.,
Justice of the Peace (or Deputy Returning Officer)
(or as the case may be.)

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

FORM

FORM 25.

(Referred to in Section 89.)

OATH OF SECRECY.

I, the undersigned, solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall have voted at this polling place and except what may be necessary and proper in the case of blind persons or persons unable to read, or incapable of marking their ballot papers as provided in section 61 of *The Liquor Act, 1902*.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain how any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.
So help me God.

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

FORM 26.

(Referred to in Section 69.)

OATH BY MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER PACKETS TO THE RETURNING OFFICER.

I, _____, solemnly swear that I am the person to whom Deputy Returning Officer for the Polling Division of the _____ in the Electoral District of _____ delivered the election packets for the said Polling Division, to be delivered to _____, Returning Officer for the said Electoral District, in consequence of the said Deputy being unable through illness or some other cause to deliver the same personally to the Returning Officer; that the packets which I have delivered to the said Returning Officer this day are all the packets I so received; that I have not opened any of them, and that they have not been opened by any other person since I received them from the said Deputy Returning Officer.

So help me God.

Sworn and sub-
scribed, etc. }

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

FORM

FORM 27.

(Referred to in Section 78.)

OATH TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING HIS
RETURN TO THE CLERK OF THE CROWN IN CHANCERY.

I, _____ Returning Officer for the Electoral District of _____
swear that, of the packets received by me as
such Returning Officer from the Deputy Returning Officers in respect of
of the recent voting upon *The Liquor Act, 1902*, for the said
Electoral District, I have not opened or permitted to be opened, any of
the packets containing the ballot papers or the counterfoils; that I have
not opened or permitted to be opened, any of the packets so received
except those authorized and directed to be opened by a Returning Officer
by and under section 75 of the said Act; and that none of the other
packets were opened by any person since they were returned to me
by the Deputy Returning Officers. (*Or, in case of there having
been a recount by the County Judge, add, except by the county judge on
a recounting of the votes by the said judge.*)

I further swear that I have not attempted to ascertain, and have not
ascertained, from the ballot papers or other contents of any of the said
packets how any person voted.

I further swear that I have this day and before swearing to this oath,
transmitted to the clerk of the Crown in Chancery my return with respect
to the said voting as required by law.

So help me God.

Sworn and sub-
scribed, etc. }

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil
cases he may solemnly affirm.

SCHEDULE B.

FEES OF RETURNING OFFICERS, ETC., REFERED TO ABOVE.

Fees of Returning Officers.

1. Appointing deputies and swearing them (each) *fifty cents.*
2. Furnishing copies of Voters' Lists when necessary, as allowed by the
Ontario Voters' Lists' Act (R.S.O. 1897, cap. 7, sec. 50, ss. 2).
3. Mileage to deliver same to deputies when necessary; also delivering
ballot boxes, ballots, etc., only one mileage for all, for each mile neces-
sarily travelled from place to place, to be taxed as Sheriff's mileage on
summoning jurors..... *ten cents per mile.*
4. Making up and transmitting returns to the Clerk of the Crown in
Chancery, and all necessary services connected therewith *ten dollars*
5.

5. Postage, actual amount paid out.
6. Returning Officer for a City or for an Electoral District composed of a part of a City, holding polling and making returns *twenty dollars.*
7. For special services not otherwise provided for, such amount as the Lieutenant-Governor may think reasonable under the circumstances of the case.

Deputy Returning Officers.

8. Taking the polls including all the services connected therewith, and making returns *four dollars.*
9. Pay of poll-clerk one day *two dollars.*
10. And one constable one day *one dollar.*
11. For each polling booth, actual cost, not exceeding four dollars to be paid by the City, Town, Village or Township Treasurer (as the case may be) on the order of the Deputy Returning Officer unless the municipal council provides suitable polling places at their own expense.

SCHEDULE C.

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

Druggist's Wholesale License.

Whereas , of , being a chemist or druggist duly registered as such under and by virtue of *The Pharmacy Act* has made application for the issue to him of a druggist's wholesale license under the provisions of *The Liquor Act, 1902*, in respect of the warehouse or store defined as follows :

and it has been made to appear to the undersigned that the said has complied with the provisions of the said Act in that behalf and has obtained the recommendation of the chief license inspector therefore, and that no objection exists to the granting of the said license.

Therefore this is to certify that a druggist's wholesale license under the provisions of the said *The Liquor Act, 1902*, is hereby granted to the said authorizing him during the period commencing on the day of , and ending on the day of , to sell subject to the provisions of the said *The Liquor Act, 1902*, in the warehouse or store hereinbefore defined, alcohol not exceeding in quantity ten gallons at any one time to any person for mechanical or scientific purposes and to sell to any duly registered medical practitioner and to any druggist holding a druggist's retail license under the said *The Liquor Act, 1902*, but to no other, liquor not exceeding in quantity five gallons at any one time.

Dated this day of , 190 .

SCHEDULE

SCHEDULE D.

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

Druggist's Retail License.

Whereas , of , being a chemist or druggist duly registered and licensed to practice and carrying on business as such and under and by virtue of *The Pharmacy Act*, has made application for the issue to him of a druggist's retail license under the provisions of *The Liquor Act, 1902*, in the store defined as follows :

and it has been made to appear to the undersigned that the said has complied with the provisions of the said Act in that behalf and has obtained the recommendation of the chief inspector therefor and that no objection exists to the granting of the said license.

Therefore this is to certify that a druggist's retail license under the provisions of the said *The Liquor Act 1902*, is hereby granted to the said authorizing him during the period commencing on the day of , and ending on the day of to sell liquor as defined by *The Liquor Act, 1902*, for medical and sacramental purposes only in the store hereinbefore defined, subject to the provisions of the said Act relating to druggist's retail licenses, and to the other general provisions of the said Act.

Dated this day of 190 .

SCHEDULE E.

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

To the Attorney-General of the Province of Ontario.

The undersigned, , of , in the Province of Ontario , druggist hereby applies for the issue to him of a druggist's license under the provisions of the said *The Liquor Act 1902*, authorizing him to exercise the privileges of a druggist licensee under the said Act and subject thereto during the period commencing on the day of , and ending on the day of , in the warehouse and store defined as follows : which premises are owned by whose address is as follows :

The applicant is a person of good reputation and character and he has been without a conviction of any offence against any of the provisions of this Act or any previous *Liquor License Act* within three years prior to the date of this application.

The warehouse or store in respect of which the applicant applies for a license is such as is required by the said Act and is suitable for carrying on a business in a reputable way.

The applicant is duly authorized to engage and is lawfully and in good faith engaged in this Province in the business of chemist and druggist as the true owner thereof, and has in such business a stock of drugs of the value of at least dollars.

The applicant produces herewith in support of his application the affidavits of himself and of and also the bond prescribed by said Act.

The applicant prays that a license may be granted to him accordingly.

Dated this day of 190 .

SCHEDULE

SCHEDULE F.

CANADA :
Province of Ontario. }
To Wit :

I of the of
in the Province of Ontario, druggist, make oath
and say :

1. I am the applicant named in the within application for the issue to me of a druggist's license under the provisions of *The Liquor Act, 1902.*

2. The statements contained in the said application are true.

Sworn before me at
in the Province of Ontario
this day of
A.D. 190

CANADA :
Province of Ontario. }
To Wit :

We, of the of
in the Province of Ontario, and of the
of in the Province of Ontario,
do severally make oath and say :

1. That we know the applicant named in the within application.

2. The statements contained in the said application are true.

The above named
and were severally
sworn before me at
in the Province of Ontario,
this day of
A.D.

SCHEDULE G

PROVINCE OF ONTARIO

The Liquor Act, 1902.

Know all men by these presents that we,
of and
of and
of are held and firmly bound unto His
Majesty King Edward, his heirs and successors, as follows, that is to say, the said in the sum of five hundred dollars of good and lawful money of Canada, the said in the sum of two hundred and fifty dollars of like good and lawful money, and the said in the sum of two hundred and fifty dollars of like good and lawful money, for payment of which well and truly to be made we bind ourselves and each of us, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this
day of A.D. 190

Whereas

Whereas the above bounden _____ has applied for and is about to obtain a druggist's wholesale license authorizing him during the period commencing on the _____ day of _____ and ending on the _____ day of _____ to sell subject to the provisions of the said *The Liquor Act, 1902*, in the warehouse or store defined as follows : _____ alcohol not exceeding in quantity ten gallons at any one time to any person for mechanical or scientific purposes, and to sell to any duly registered medical practitioner, and to any druggist holding a druggist's retail license under the said *The Liquor Act, 1902*," but to no other, liquor, as defined by said Act, not exceeding in quantity five gallons at any one time.

Now, therefore, the condition of this obligation is such that if the said _____ shall at all times during the continuance of the said license well and faithfully keep and observe all the regulations, restrictions and requirements of the said *The Liquor Act, 1902*, in respect of the said druggist's wholesale license so to be issued to him, and shall not violate any of the provisions of the said Act, and shall pay all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law now or hereafter to be enforced relative to such druggist's wholesale license, and do and perform and observe all the requirements thereof, and conform to all rules and regulations that are or may be established by competent authority on such behalf, then this obligation shall be void, otherwise it shall remain in full force virtue and effect.

Signed, sealed and delivered }
in the presence of }

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

Know all men by these presents that we, _____ of _____ and _____ of _____ and _____ are held and firmly bound unto His Majesty, King Edward, his heirs and successors, as follows, that is to say the said _____ in the sum of five hundred dollars of good and lawful money of Canada the said _____ in the sum of two hundred and fifty dollars of like good and lawful money and the said _____ in the sum of two hundred and fifty dollars of like good and lawful money for payment of which well and truly to be made we bind ourselves and each of us, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this _____ day _____ A.D. 190 _____
Whereas the above bounden _____ has applied for, and is about to obtain a Druggist's Retail License authorizing him during the period commencing on the _____ of and ending on the _____ day of _____ to sell in the store defined as follows :—

Liquor as defined by said Act for medical and sacramental purposes only, subject to the provisions of the said Act relating to Druggist's Retail Licenses and to the other general provisions of the said Act.

Now therefore the condition of this obligation is such that if the said _____ shall at all times during the continuance of the said license well and faithfully keep and observe all the regulations, restrictions and requirements of the said *The Liquor Act, 1902*, in respect of the said Druggist's Retail License so to be issued to him, and shall not violate any of the provisions of the said Act, and shall pay all the fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law now or hereafter to be in force relative to such Druggist's Retail License and do and perform and observe all the requirements thereof and perform and observe all the requirements hereof and conform to all rules and regulations that are or may be established by competent authority in such behalf then this obligation shall become void, otherwise it shall remain in full force, virtue and effect.

Signed, sealed and delivered }
in the presence of }

SCHEDULE H.

Ontario. }
To Wit : }

I of the of in the Province of Ontario
make oath and say :

That I reside at the of in the Province of Ontario
and am engaged in

That of is required by me to be used for
purposes and for no other purpose ; that such liquor is not intended to
be used as a beverage or mixed with any other liquor for use as a beverage
nor to sell nor to give away.

That this application is made to druggist, for said liquor.

Sworn before me at
in the Province of Ontario
this day of
A.D. 190

A Commissioner, etc.

SCHEDULE I.

Ontario. }
To Wit : }

I of the of in the Province of Ontario,
minister of the Gospel, and now being of the Church at
hereby request you to sell me for sacramental purposes only
of wine

Dated at this day of A.D. 190 A.B.

To

Druggist's Retail Licensee.

CHAPTER 34.

An Act to amend The Public Health Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Public Health Act* is amended by adding thereto immediately after section 107 of the said Act the following section:—

Rev. Stat. c.
248 amended.

107*a*.—(1) Except as provided by the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 57, no hospital, sanatorium, institution or place for the reception care or treatment of persons suffering from consumption or tuberculosis, shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided.

Hospitals for
consumptives
not to be
established
without per-
mission.

(2) Any person who desires to establish, maintain or keep any such hospital, sanatorium, institution or place may make written application for permission so to do to the local board of health of the municipality, and any person who now maintains or keeps any such hospital, sanatorium, institution or place may make such application within two months after the passing hereof, and such local board of health shall take such application into consideration at its next general meeting after receipt thereof, or at a special meeting to be called for the purpose within one month after the receipt of such application. Notice of such special meeting shall be given to the applicant at least ten days before the date appointed for the same.

Application
for permission.

(3) The local board of health shall hear the applicant for such permission in person or by counsel, as also any person or persons opposed to the granting of such permission, and shall within one month thereafter decide by resolution of the said board whether or not such application shall be granted.

Hearing and
decision on
application.

(4) In case the local board of health decides not to grant such application notice in writing of such decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a Board of Appeal to be composed of the head of the municipality, the sheriff of the county in which such municipality is situate, and the

Appeal to
board of ap-
peal.

given

Secretary of the Provincial Board of Health, such appeal to be by notice in writing addressed to the said Secretary, and given within seven days after receiving notice of the decision of the local board of health.

Hearing
appeal.

(5) It shall be the duty of the Secretary of the Provincial Board of Health to appoint a time and place for the consideration of such appeal, and the said Board of Appeal shall hold a sitting at such time and place, and shall hear what may be alleged for and against such appeal on behalf of the applicant, and the local board of health or any ratepayer of such municipality who may object to the granting of such permission, and the said Board of Appeal may adjourn the proceedings for the purpose of visiting any building or site or proposed site, and determining upon its suitability, or for the purpose of procuring any further information as they may deem proper.

Decision of
board of ap-
peal.

(6) The decision of the Board of Appeal or a majority of the said Board shall be given in writing and such decision shall be final.

Costs of
appeal.

(7) The members of the said Board of Appeal shall each be entitled to a fee of \$5 for hearing and determining any appeal under this Act and such fees and any other costs and expenses incurred in hearing such appeal shall be paid by the person appealing upon the written order of the Secretary of the Provincial Board of Health to the persons entitled thereto.

Penalty.

(8) Any person who shall erect or establish or maintain any such hospital, sanatorium, institution or place without applying for and receiving permission so to do as hereinbefore provided and any person who shall take part in the superintendence or management of such hospital, sanatorium, institution or place shall be liable to a penalty not exceeding \$25 for each and every day for which such offence is continued.

Sections 107a
to 107h not to
apply to cer-
tain hospitals.

(9) Nothing in this section contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated nor shall the said sections apply or be in force in any part of this Province which is without county organization.

Rev. Stat. c.
248, s. 107,
amended.

2. Section 107 of *The Public Health Act* is amended by adding after the word "reception" in the first line of such section the words "as also all hospitals or places of reception for persons suffering from consumption or tuberculosis".

CHAPTER 35.

An Act to amend The Toll Roads Expropriation Act, 1901.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 3, 4 and 5 of *The Tolls Roads Expropriation Act, 1901*, are repealed and the following substituted therefor:—

1 Edw. VII.,
c. 33, ss. 3, 4,
5 repealed.

3.—(1) In the case of any toll road lying wholly within one township the municipal council of such township, and in the case of any such road lying wholly within one or more municipalities of the same county the municipal council of such county may agree with the owners of any such road as to the amount to be paid in order that the tolls on such road may be abolished, and, in the event of their failing so to agree, the same may at the instance of the municipal council of the township or county, as the case may be, be determined by arbitration as hereinafter provided, and if thereto required by a petition signed by fifty ratepayers the municipal council shall within three months take the necessary proceedings for that purpose and pass a by-law appointing an arbitrator.

Where toll road lies wholly in one township or in two or more municipalities in the same county.

(2) On the appointment of an arbitrator as hereinbefore mentioned, either by a township or by a county, the clerk of the township or of the county, as the case may be, shall notify the owners of the road of such appointment. On the receipt of such notice the owners of such road may appoint an arbitrator, and, in default of their doing so within 21 days of the receipt of such notice, the judge of the County Court shall appoint an arbitrator to act in their behalf. The two arbitrators so appointed shall, within 14 days of the appointment of the last person appointed, meet and appoint a third arbitrator, and in default of their doing so from any cause then the judge of the County Court shall *ex-officio* act as a third arbitrator, unless before the expiration of such 14 days' notice in writing be given by the municipality or the owner to one or both of the two arbitrators requiring that in default of their agreeing on a third arbitrator some person other than the judge of the County Court shall be the third arbitrator, in which case such appointment shall be made by the president

Appointment of arbitrator

of

of one of the divisions of the High Court of Justice on the application of either party on 7 days' notice to the other.

Where road lies partly within a city or separated town or in another county.

4.—(1) The municipal council of any county (herein called the initiating county) may also in the case of any toll road where it lies partly in one or more municipalities of such county and partly in a city or separated town, or where it lies partly in one or more municipalities of such county and partly in one or more municipalities of another county, with the consent of the municipal council of the other county, or of the city or town, as the case may be, agree with the owners or lessees of any such road as to the amount to be paid in order that the tolls on such road may be abolished, and may also agree with such other county or such city or town, as the case may be, on the proportions in which the amount shall be contributed by them respectively, and in the event of failure to agree on such amount, the same as well as the proportions of contribution may at the instance of the municipal council of the initiating county be determined by arbitration as herein provided.

Appointment of arbitrators.

(2) In case of any such arbitration the municipal council of the initiating county shall appoint by by-law some member of the council or some officer thereof to act on their behalf in the appointment of an arbitrator on behalf of the municipalities, and a copy of such by-law shall be served on the clerk of the other county or city or town, as the case may be, and such other municipality shall within 21 days thereafter by by-law appoint some member of the council or some officer thereof to act on their behalf in the appointment of such arbitrator, and cause a copy of the by-law to be served on the clerk of the initiating county.

If such two persons within 7 days thereafter agree and appoint an arbitrator by writing signed by them, he shall be the arbitrator on behalf of both municipalities, and in default of their agreement within that time or in default of such other municipality within said 21 days appointing a person to act in their behalf, the judge of the county court of the initiating county shall appoint an arbitrator to act on behalf of the two municipalities, and the clerk of the initiating county shall notify the owners of the road of the appointment, whether by agreement or by the judge. On the receipt of such notice, the owners of such road may appoint an arbitrator, and in default of their doing so within 21 days of the receipt of such notice the judge of the county court of the initiating county shall appoint an arbitrator to act in their behalf. The two arbitrators so appointed shall, within 14 days of the appointment of the last person appointed, meet and appoint a third arbitrator, and in default of their doing so from any cause, then the judge of the county court shall *ex-officio* act as a third arbitrator, unless before the expiration of such fourteen days' notice in writing be given by the municipality or the owner to one or both of the two arbitrators requiring that in default

of

of their agreeing on a third arbitrator some person other than the judge of the county court shall be the third arbitrator in which case such appointment shall be made by the president of one of the divisions of the High Court of Justice on the application of either party on 7 days' notice to the other.

(3) The three arbitrators so appointed, or a majority of them, shall determine and award the amount to be paid to the owners and shall determine and award the proportions in which such amount is to be contributed by them respectively.

Award to determine proportions in which municipalities to contribute.

5. In any case falling under sections 3 and 4 the municipality or municipalities and the owners of the road may agree together that the judge of the county court of the initiating county, or any other person agreed on, may be the sole arbitrator, and the provisions of this Act shall apply in such case, and such sole arbitrator shall, in any case coming under subsection 3 of section 4, determine and award the proportions of contribution

Agreement upon sole arbitrator.

2. Section 9 of the said Act is repealed and the following section substituted therefor:—

1 Edw. VII., c. 33, s. 9, repealed.

9. After the award has become absolute or settled on appeal, or after an agreement has been arrived at between the municipality or municipalities as the case may be, and the owners of any road, as to the amount to be paid in order that tolls on such roads may be abolished, the municipal council of any municipality may, in the manner provided for in *The Municipal Act*, without submitting the same for the assent of the electors, pass a by-law for borrowing the amount required to be paid by such municipality to purchase the said roads, in accordance with the award of the arbitrators or arbitrator or the agreement made as aforesaid, by the issue of debentures of the municipality payable in not more than thirty years. A county council may provide by such by-law for raising any amount required to pay, and may pay to any municipality or municipalities which are not materially or are only slightly benefitted by the purchase of the road or roads, such a sum by way of bonus, as may be deemed a fair or partial equivalent for the amount which any such municipalities will be required to pay towards the said purchase, or any part thereof.

Borrowing amount necessary to free roads.

3. Section 10 of the said Act is amended by inserting the following words after the word "liable" in the sixteenth line:—"Such by-law shall provide for assessing and levying upon all the ratable property in such respective municipalities or portions of municipalities the annual sums necessary to meet the debentures and the interest thereon as the same fall due and if necessary to form a sinking fund for that purpose and may be passed by the county council without submitting the same for the assent of the electors."

1 Edw. VII., c. 33, s. 10, amended.

Provision in by-law for special rates.

1 Edw. VII.,
c. 33, s. 8, sub-
s. 8, amended.

When municip-
ality must
elect to take
road or abandon
purchase.

4. Subsection 8 of section 8 of the said Act is amended by adding thereto the following :—

In any case falling under section 4 the road shall be taken and the amount agreed on or awarded shall be paid within one year as aforesaid unless both municipalities elect that the road shall not be taken and so notify the owner and in that case the costs to which the owner has been put shall be paid by the municipalities in equal shares.

1 Edw. VII.,
c. 33, s. 14,
amended.

5. Section 14 of the said Act is amended by inserting the words “two next” before the word “preceding” in the second line.

1 Edw. VII.,
c. 33, s. 15,
repealed.

6. Section 15 of the said Act is repealed and the following substituted therefor :—

Removal of
tolls in cities
and towns on
purchase by
county.

15. On the completion of the purchase of the roads by any county and upon the removal of tolls therefrom, all tolls shall be removed from the portions of such roads lying within the limits of any city or town.

Upon the removal by the county of the tolls from any road under this Act, such road so far as it lies within the county shall thenceforward be a county road within the meaning and provisions of *The Municipal Act*.

1 Edw. VII.,
c. 33,
s. 2, subs. 1,
repealed.

7.—(1) Subsection 1 of section 2 of *The Toll Roads Expropriation Act, 1901*, is repealed and the following substituted therefor :

1. “Owner” or “owners” shall include any person or persons, joint stock company or municipality having any legal, equitable or leasehold estate or interest in a road.

S. 8, subs. 6,
amended.

(2) Subsection 6 of section 8 of the said Act is amended by striking out the words “proprietor or proprietors” in the said subsection and inserting in lieu thereof the words “owner or owners.”

S. 8, subs. 9,
amended.

(3) Subsection 9 of section 8 of the said Act is amended by striking out the words “preceding section” and inserting in lieu thereof the words “next preceding section.”

CHAPTER 36.

An Act to amend The Ontario Factories Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Clause (b) of subsection 2 of section 21 of *The Ontario Factories Act* as amended by section 3 of chapter 35 of the Acts passed in the first year of His Majesty's reign is repealed and the following substituted therefor :—

Rev. Stat.
c. 256, s. 21.
sub-s. 2, cls. b
repealed.

(b) "A sufficient number of iron or other unflammable fire escapes on the outside of the building, such fire escapes to consist of stairways with railing or (in case the special approval of the inspector is given in writing then of) iron ladders and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and to have suitable landings at every storey, including the attic if the attic is occupied as a work-room, and the said stairways to start at a distance of not more than eight feet from the ground or pavement ; or to be "

Fire escapes.

2. Paragraph number 2 of section 2 of *The Ontario Factories Act* is repealed and the following substituted therefor :—

Rev. Stat.
c. 256, s. 2.
par. 2
repealed.

2. Inspector shall mean any one of the inspectors appointed by order of the Lieutenant-Governor in Council under the authority and for enforcing the provisions of this Act.

Inspector.

3.—(1) Paragraph number 3 of section 28 of the said Act is repealed.

Rev. Stat.
c. 256, s. 28,
par. 3
repealed.

(2) Paragraph number 2 in the said section 28 is amended by striking out the word "Inspector" in the first line of the said paragraph and inserting in lieu thereof the word "Inspectors."

Rev. Stat.
c. 256, s. 28
par. 2
amended.

CHAPTER 37.

An Act to amend The San Jose Scale Act.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

61 V., c. 33,
s. 4, amended.

1. Section 4 of *The San José Scale Act* is amended by adding the following sub-sections:—

Duty of
owners of
plants in-
fested.

(1) All persons owning, leasing or managing any orchard or collection of plants, other than a nursery, shall, when any plant therein becomes infested with the scale and forthwith on becoming aware, whether by notice or otherwise, of such infestation, destroy such plant by fire, or shall effectually treat the scale by fumigation, or by spraying with crude petroleum, kerosene or soap, or by any other material prescribed by the Minister.

Appointment
of inspector.

(2) The council of any city, town, township or incorporated village may, and upon the petition of fifteen or more rate-payers shall, by by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he shall receive for the performance of his duties. All such appointments, as well as such remuneration, fees or charges, shall be subject to, and be only operative on the written approval of the Minister, communicated by him to the clerk of the municipality.

Inspectors
may act under
Rev. Stat.
c. 280, and
63 V., c. 47.

(3) Every inspector appointed by any by-law passed under subsection 2 of this section is empowered to act as inspector under *The Yellows and Black Knot Act* and under *The Noxious Insects Act* in all respects as if he had been appointed an inspector under the last mentioned Acts by by-laws specially passed for that purpose.

Regulations.

(4) All such inspectors appointed shall be subject to and observe the regulations and directions of the Minister, and shall be subject and subordinate to the inspector appointed by the Minister, and in case of any neglect of duty, such inspectors shall be subject to the penalties prescribed by this Act.

Remuneration
of inspectors.

(5) The council of the city, town, township or incorporated village shall pay the remuneration, fees or charges of such inspectors, and shall be entitled to receive from the Department of Agriculture one-half of the amount so paid upon furnishing the department with statements of the sums so paid, certified to by the inspector appointed by the Minister.

61 V., c. 33,
s. 12,
amended.

2. Section 12 of the said Act is amended by adding after the word "Act" in the third line of the said section the following words, "and any inspector appointed by the council of the municipality."

CHAPTER 38.

An Act to amend The Act respecting the Barberry Shrub.

Assented to 17th March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the sixty-third year of the reign of 63 V. c. 48, Her late Majesty Queen Victoria, and chaptered 48, is ^{s. 1 repealed.} amended by striking out section 1 of the said Act and substituting the following therefor:

1. No person shall plant, cultivate or sell the shrub known as the barberry shrub, and every person guilty of the violation of this section shall be liable, on summary conviction thereof before a justice of the peace, to a penalty not exceeding \$10, besides the costs of conviction, to be recovered as provided by *The Ontario Summary Convictions Act*. Penalty for planting shrub.
Rev. Stat. c. 90.

2. Section 2 of the said Act is amended by striking out the words "and held and used for farming purposes" in the third line of the said section, and by adding after the word "shrub" in the fourth line of the said section the words "or any plant of said shrub." 63 V. c. 48,
s. 2 amended.

3. The said Act is further amended by adding thereto the following sections:— 63 V. c. 48,
amended.

4. Where prior to the passing of this Act any person has planted or has growing upon lands owned or occupied by him and situate within any city, town or incorporated village any hedge or fence formed by the said shrub or any plants of the said shrub, the Minister of Agriculture may upon petition signed by at least three owners or occupants of lands in an adjoining rural municipality, and after the report of one or more qualified persons appointed by the Minister for such purpose, require the person owning or occupying the said lands to remove and destroy such hedges, fences, or plant, and upon his neglect or refusal to do so within one month after the service of notice in writing regarding such removal and destruction, the Minister may cause the same to be removed and destroyed. Shrub already planted in cities, etc., to be destroyed

Compensa-
tion.

5. Where the owner or occupant of lands situate within the city, town or incorporated village removes and destroys such hedge, fence or plant as required by the Minister and such hedge, fence or plant has been planted before the passing of this Act, he will be entitled to such compensation as the Minister in his discretion may see fit to allow, such compensation to be paid out of the Consolidated Revenue Fund of the Province.

“Barberry,”
meaning of.

6. In this Act, “Barberry” shall mean the species *Berberis Vulgaris* L.

CHAPTER 39.

An Act to amend The Ontario Game Protection Act

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 4 of *The Ontario Game Protection Act* is repealed and the following substituted therefor:—

(2) No moose, reindeer or caribou shall be hunted, taken or killed in that part of Ontario lying to the south of the main line of the Canadian Pacific Railway from the Town of Mattawa to the Town of Port Arthur except from the first day of November to the fifteenth day of November both days inclusive in each year. Throughout all that part of the Province of Ontario lying north and west of the main line of the Canadian Pacific Railway from Mattawa to Port Arthur the open season for moose and reindeer or caribou shall be from October 16th to November 15th, both days inclusive.

63 V., c. 49,
s. 4, subs. 2,
repealed.

Open season
for moose,
reindeer or
caribou.

2. Paragraph *b.* of subsection 4 of the said section 4 is repealed and the following substituted therefor:—

63 V., c. 49,
s. 4, sub. s. 4,
cl. (b) repealed.

(*b.*) Any quail or wild turkeys between the first day of December and the first day of November in the following year.

Quail and
wild turkeys.

3. Subsection 6 of the said section 4 is repealed and the following substituted therefor:—

63 V., c. 49,
s. 4, sub s. 6,
repealed.

(6) Notwithstanding anything in this Act the woodhare or cottontail rabbit may be taken or killed in any manner by the owner, occupant or lessee of any land upon which it can be proved to cause actual damage to trees and shrubs, or by any member of the family of such owner, occupant or lessee or by any person holding a written license or permit to shoot from such owner, occupant or lessee.

Cottontail
rabbits.

4. The said section 4 is amended by adding thereto the following subsection:—

(7) Notwithstanding anything in this Act contained, persons who have heretofore put, bred or imported, or who shall hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same, and the licensees of any such persons may hunt, take or kill any such deer from the first day of October to the fifteenth day of November in any year, both days inclusive, but the onus of proof that such deer was or were so put, bred or imported shall rest on the person hunting or killing the same.

63 V., c. 49,
s. 4, amended.

Open season
for killing

CHAPTER 40.

An Act to amend The Public Schools Act.

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII.,
c. 39, s. 21.

Conveyance of
pupils from
rural school
sections to
urban schools.

1. Section 21 of *The Public Schools Act* is amended by striking out the words "city or town" in the fourth, sixth and thirteenth lines and substituting therefor the words "urban municipality"; and by adding to the words "urban municipality" thus substituted in the thirteenth line the following words, "to pay for the conveyance of the pupils to such schools".

1 Edw. VII.,
c. 39, s. 41
amended.
Consolidation
of two or more
sections for
central school.

2. Section 41 of the said Act is hereby amended by adding to the first sub-section the following: "or on request made in like manner to pass by-laws to consolidate two or more sections into one for the purpose of providing a central school. The trustees of the sections thus united shall continue to be trustees of the united section, but if deemed expedient the municipal council may by by-law limit the number of the school board to two members for each section, each trustee holding office for two years and one retiring annually by rotation. The trustees shall have all the powers ordinarily exercised by trustees of a rural school section, and in addition the power to meet the cost of conveyance of children to the central school established under the jurisdiction of the board".

1 Edw. VII.,
c. 39, s. 61
amended.

Election of
trustees
when coun-
cil elected by
general vote.

3.—(1) Section 61 of *The Public Schools Act* is amended by adding thereto the following subsections.

(7) In cities and in towns until a resolution has been passed under the preceding subsection the school trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and the division of any city or town into wards under any former provision of *The Municipal Act* or any special Act in force at the time of the abolition of wards for the purpose of municipal elections, shall be deemed to be continued for the purpose of the election of public school trustees.

(8) Where the board of trustees are elected by ballot the election of public school trustees in such city or town

town shall be conducted as nearly as may be in the same manner provided by section 61 of this Act and the officers for holding such election shall be appointed by the municipal council as if the election of councillors or aldermen by general vote had not been adopted or prescribed for such city or town.

- (9) Where the election of trustees is not by ballot the election of public school trustees in such city or town shall take place as nearly as may be in accordance with the provisions of section 60 of this Act.

(2) Provided that nothing in this section contained shall **Proviso.** affect the validity of any election of public school trustees heretofore held.

4.—(1) Subsection 1 of section 63 of *The Public Schools Act* ^{1 Edw. VII c. 39, s. 63.} is amended by inserting therein after the word "trustee" in the second line the words "or as to the return made by any ^{subs. 1} amended. returning officer."

(2) Subsection 2 of the said section 63 is amended by ^{Subs. 2} inserting therein after the word "elected" in the second line ^{amended.} the words "or may order a new election."

(3) The amendments made by this section shall apply to ^{Section to be} elections heretofore held as well as to those held after the ^{retroactive.} passing of this Act.

5.—(1) The Board of High School Trustees, the Board of Public School Trustees and the Board of Separate School Trustees or the Board of Education and the Board of Separate School Trustees or any of such boards in any city or town may enter into agreements for the formation and carrying on of classes for manual training and domestic science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor. ^{Manual, training and domestic science classes.}

(2) The school corporations so agreeing may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith, to a joint committee composed of representatives of each of such school corporations, and any joint committee so appointed may procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on the said classes, and may engage teachers therefor.

(3) Each of the members of such joint committee shall hold office during the pleasure of the school corporation by which he is appointed.

4 Every joint committee appointed under this section shall annually on or before the first day of February, furnish to each

each of the school corporations represented an estimate showing the amounts required for carrying on the work of such classes during the then current year, and such school corporations shall include in the estimates to be furnished to the council of the city or town the amount so required for the said classes, and the same may be included in the school rates of the municipality and levied and collected therewith.

1 Edw. VII²
c. 39, s. 65,
sub-s. 1
amended

6. Subsection 1 of section 74 of *The Public Schools Act* is amended by inserting therein after the word "thereto" in the fourth line the words "or repairs or improvements of the school property."

CHAPTER 41.

An Act to amend The Separate Schools Act.

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Subsection 7 of section 51 of *The Separate Schools Act* is repealed and the following substituted therefor :

Rev. Stat.,
c. 294, s. 61,
subs. 7, re-
pealed.

(7) The debentures issued under the by-law may be for such amounts as the trustees may deem expedient, and shall be in the form set out in Schedule H to this Act.

Amounts
of debentures.

CONTINUATION CLASSES.

2.—(1) The Separate School Board in any municipality or section in which there is no high school shall have power to establish in connection with the schools over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Continuation
classes where
there is no
high school.

(2) The trustees of any number of separate school corporations, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under this Act for the tuition of pupils attending the schools under their immediate jurisdiction.

Grouping of
schools.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the separate school inspector.

Qualification
for continua-
tion classes.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Fees of pupils.

Qualification
of teachers.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the entrance examination shall be the holder of at least a first-class certificate.

Legislative
and county
grants.

(6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be apportioned by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class, and any further sums the municipal council may deem expedient.

Rev. Stat. c.
294 amended.

3. *The Separate Schools Act* is amended by inserting therein after section 33 of the said Act the following :—

Powers of
urban boards
as to dispos-
ing of prop-
erty no
longer
required.

33a. It shall be the duty of the board of trustees of every urban school and they shall have power, to take possession of all property which has been acquired or given for separate school purposes and to hold the same according to the terms in which it was acquired or received, and to dispose by sale or otherwise, of any school site or property or any part thereof not required in consequence of a change of site, or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act.

CHAPTER 42.

An Act to amend The High Schools Act.

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 7 of section 34 of *The High Schools Act* is amended by striking out the word "may" in the 4th line of the said subsection and inserting in lieu thereof the word "shall."

1 Edw. VII.
c. 40, s. 34,
subs. 7,
amended.

2. The said section 34 is further amended by adding thereto the following subsections :—

1 Edw. VII.
c. 40, s. 34,
amended.

(8) In adjusting the liability of the county for the maintenance of county pupils in attendance at any high school situate in any town separated from the county, the county council (or in case of disagreement the county judge) shall deduct from the amount for which the county is liable for maintenance in such cases such amount as the municipality so separated from the county would have paid towards such grant had such municipality formed part of the county.

1 Education in
case of town
separated
from the
county.

9 Subject to the deduction provided for in subsection 8 of this section when the trustees of any High School in a village, town or city adjacent to a county or in a town separated from a county have notified the county clerk that such high school is open to non-resident and to county pupils on the same terms as resident pupils, the county council shall in all cases pay for the maintenance of county pupils at such high school or schools a sum equal to eighty per cent. of the average cost of the yearly maintenance of pupils at such high school, provided that this subsection shall not apply to cities having a population of 100,000 or over.

Payments by
county for
non-resident
and county
pupils in city
or town.

(10) Any county council may by a two-thirds vote give additional aid to any one or more high schools or collegiate institutes in the county without giving such aid to all the high schools in said county.

Additional
aid to high
schools by
county.

3. Subsection 1 of section 38 of the said Act is amended by striking out all the words in the said subsection after the word school in the fifth line, and inserting in lieu thereof the words, "and the council of any county may by a two-thirds vote of the members thereof pass by-laws from time to time for

1 Edw. VII.
c. 40, s. 38,
subs. 1,
amended.

for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein."

1 Edw. VII.
c. 40, s. 32,
amended.

4. Section 32 of *The High Schools Act* is amended by adding thereto the following subsections:

Scholarships
for public and
separate
school pupils.

(4) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships to the pupils of the public or separate schools situate within the municipality. The number of said scholarships shall be fixed by the high school or collegiate institute board, and the said board may award the same by competitive examinations or otherwise and shall have full power to prescribe the tenure of said scholarships and vote money for the expenses of holding any examinations therefor. Such scholarships shall be awarded only to a ratepayer of the municipality or municipalities contributing to the maintenance of such high school or collegiate institute.

(5) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships not to exceed six per high school or collegiate institute to the pupils of said high school or collegiate institute on the results of form or other examinations within the said high school or collegiate institute, said scholarships to entitle the holder to not more than one year's free tuition in said high school or collegiate institute, and the high school or collegiate institute board may make all necessary rules and regulations regarding these scholarships.

1 Edw. VII.,
c. 40, s. 11,
amended.

5. Section 11 of *The High Schools Act*, is amended by adding thereto the following paragraph:—

Grants for
athletics.

The board of trustees of any high school or collegiate institute may annually vote a sum of money not exceeding \$300 in cities of 100,000 or more and not exceeding \$150 in other municipalities for the encouragement of athletics and the expenses of school games.

1 Edw. VII.
c. 40, s. 38,
ub. 2
amended.

6. Subsection 2 of section 38 is amended by adding thereto the following:—

Maintenance
of county
pupils in
unions of
counties.

"But in such case each county forming such union shall"
"pay for the maintenance of pupils resident in it who attend"
"any high school situated in any other of the united counties."

CHAPTER 43

An Act respecting The University of Toronto and University College.

Assented to 17th of March, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall be known and may be cited as *The University Amendment Act, 1902.* Short title.

2. Subsection 1 of section 6 of *The University Act, 1901*, 1 Edw. VII.
c. 41, s. 6,
amended.
is amended by adding thereto the following clauses:—

(e) All the rights and privileges belonging to and enjoyed by Crown Lands under any statute limiting the time for bringing actions either by the Crown or against the Crown shall be deemed to belong to and be enjoyed by all the lands so vested in the said trustees from the time they were so vested, and to all lands which may in the future be vested in the said trustees under or in pursuance of the provisions of this Act. Limitation of
actions against
trustees.

(f) No action shall be brought against the trustees on any account whatsoever without the consent of the Attorney General of the Province of Ontario.

3. Clause (d) of subsection 1 of the said section 6 is repealed and the following inserted in lieu thereof:— 1 Edw. VII.
c. 41, s. 6,
subs. 1 cl. d,
repealed.

(d) Any such real property which forms any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, including also that part of park lot number fourteen in the said City of Toronto, particularly described in a certain indenture to Her late Majesty the Queen, represented by John Edward Berkeley Smith, Bursar of the University and Colleges at Toronto, and registered as number 8654 A, in the Registry Office of the Eastern Division of the City of Toronto, which is occupied by any professor or other instructor or any officer or servant of the University or University Property oc-
cupied by
professors,
etc., assess-
ment of.

versity College or by any association of undergraduates or by any duly incorporated society of undergraduates or of graduates and undergraduates formed with the consent of and approval of the said trustees, who may hold or lease any part of the said property from the trustees under and by virtue of the provisions of this Act as herein-after set forth, shall for the purposes of *The Assessment Act* be deemed to be occupied by the persons or corporations aforesaid in an official capacity.

1 Edw. VII.
c. 41, s. 9,
subs. 3 a,
repealed.

Trustees
authorized to
lease property
to societies of
graduates.

4. Subsection 3a of section 9 of the said Act is repealed and the following substituted therefor:—

(8) They may under the said terms and conditions, and under such other terms and conditions as to the trustees seem fit, lease any part of the said property as aforesaid to, or may set apart and appropriate for the use of any duly incorporated society of undergraduates or of graduates and undergraduates, and they may invest any portion of the said endowment and permanent funds or any moneys which shall or may come into their hands as aforesaid in a loan to any such incorporated society for the purpose of the erection on such land of any buildings of any such society. Such loan shall not be subject to the provisions of *The Trustee Investment Act*, but may be made on such other terms and conditions as to the trustees may seem fit.

Meaning of
maintenance
in 1 Edw. VII.
c. 14 s. 16
subs. 1.

5. The term "maintenance" where the same occurs in subsection 1 of section 16 of said Act shall mean the expenditure for the ordinary supplies of chemicals and of other materials used by the students in the course of instruction and such other expenses as may be incurred in heating, lighting, cleaning, insurance and ordinary repairs, and shall include such other items as from time to time may be approved of by the Lieutenant-Governor in Council.

1 Edw. VII.
c. 41, s. 39,
amended.

Vice-president.

6. Section 39 of the said Act amended by striking out all the words therein after the word "expedient" in the 21st line and inserting in lieu thereof the words: "The Lieutenant-Governor in Council may appoint one of the Deans of the Faculties a Vice-President to act for and perform the duties of President in case of the latter's illness or absence."

Women's
residence for
Victoria
College.

7. It shall be lawful for the regents of Victoria University to build a Women's Residence on block "A" in University Park, in the City of Toronto, according to plan 211 E., the same being an amendment of plan D. 178, and to use the said lands or any portion thereof for any other academic purpose for Victoria University they may desire, and any building regulations restricting or affecting the building lots in University Park shall not apply to the said block "A" except in so far as the building line along the west limit thereof shall be
thirty

thirty feet east of the west limit thereof and except so far as are set forth in the deed by the Trustees of the University of Toronto to the Regents of Victoria University of the said block "A."

8. Clause (b) of section 6 of *The University Act, 1901* is repealed, but the special case transmitted by His Honor Judge McDougall to the Lieutenant-Governor in Council, dated the 25th day of February, 1901, "In the matter of an appeal by Hugh Leach from the assessment for a local improvement upon property on the north side of College Street, and the corporation of the City of Toronto," and thereafter referred to a Judge of the Court of Appeal, shall be deemed and taken from its inception to have been and to be (notwithstanding any objections thereto) a reference under the provisions of section 85 of *The Assessment Act*. 1 Edw. VII.
c. 41, s. 6,
cl. 1, repealed.

Rev. Stat.
c. 224.

9. Subsection 1 of section 26 of *The University Act, 1901*, is amended by inserting after the words "University College" in the second line of the said subsection the words "the Chairman of the Board of Trustees." 1 Edw. VII.
c. 41, s. 26,
subs. 1,
amended.

10. Subsection 3 of section 26 of the said Act is amended by inserting after the words "engaged in teaching" in the eleventh line in the said subsection the words "in a High School or Collegiate Institute." 1 Edw. VII.
c. 41, s. 26,
subs. 3,
amended.

11. Section 29 of the said Act is amended by adding thereto the following subsection:— 1 Edw. VII.,
c. 41, s. 19,
amended.

(4) Any candidate after nomination may resign by delivering at the office of the registrar on or before the Saturday after the first Wednesday in September in any year in which an election is held his resignation in writing signed by him and attested by a witness, and in such case his name shall not be entered upon the list of candidates to be voted for. Resignation
of candidate
after nomination.

12. Section 31 of the said Act is amended by adding to the end thereof "unless otherwise provided by a statute of the Senate." 1 Edw. VII.,
c. 41, s. 31,
amended.

13. Subsection 1 of section 33 of the said Act shall be amended by adding after the word "proficiency" in the fifth line of the said subsection (1) the words "except in theology." 1 Edw. VII.,
c. 41, s. 33,
sub-s. 1,
amended.

CHAPTER 44

An Act respecting the Town of Berlin and The Ontario Sugar Company, Limited.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Corporation of the Town of Berlin has by its petition represented that the said corporation on the second day of December, 1901, finally passed a by-law Number 735 intituled "By-law Number 735 to aid The Ontario Sugar Company, Limited, by granting thereto the sum of twenty-five thousand dollars by way of bonus, to issue debentures therefor and to provide for payment of such debentures by an annual special rate;" such by-law having first been submitted to a vote of the ratepayers entitled to vote on money by-laws in accordance with the provisions of *The Municipal Act*, when 857 of the ratepayers, qualified to vote as aforesaid, voted in favour of the said by-law and only 196 ratepayers voted against it, the total number of ratepayers qualified to vote on such by-law being 1412; and whereas in and by the said by-law provision is made for the construction, erection, equipment and development of a beet root sugar factory with the necessary plant and machinery at a cost of not less than five hundred thousand dollars and capable of using and converting into sugar at least five hundred tons of sugar beets per day; and whereas it has been made to appear that the Town of Berlin is situated in a section of the Province exceptionally favorable for the production of sugar beets; and whereas the amount of the expenditure to be made on the said works and plant is very large in comparison with the amount of the bonus of twenty-five thousand dollars authorized by the said by-law, and the great majority of the ratepayers appear to be earnestly desirous to assist in manner aforesaid in establishing the said industry; and whereas the requirements of the provisions of *The Municipal Act* have been fully complied with in all respects, saving and excepting that the time within which the debentures to be issued under the said by-law are to be paid has been extended to forty years; and whereas the establishment of the beet sugar industry in this Province is a matter of general public interest and importance, and provision has been made for aiding and encouraging such industry by provincial subsidy in that behalf; and whereas it appears that a large number of farmers and other persons living in the rural districts adjacent or tributary to the Town of Berlin, being earnestly desirous of having this industry established at Berlin, have of their own accord offered to make certain con-

cessions

cessions in the price to be paid for beets grown by them after the first year ; and whereas no opposition has been offered to the said petition or any part thereof : and whereas it is expedient to confirm the said by-law and to make the provisions for the establishment and carrying on of the said industry herein-after set forth ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law Number 735 of the Municipal Corporation of the Town of Berlin, set forth as Schedule A to this Act, is hereby confirmed and declared legal, valid and binding upon the Corporation of the Town of Berlin and the rate-payers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise, and the said Corporation of the Town of Berlin is hereby authorized to issue debentures as provided by the said by-law, and the debentures so issued or to be issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

By-law 735 of
Berlin con-
firmed.

2. No agreements heretofore or hereafter entered into by any growers of sugar beets desirous of so doing for a supply of beets to the said The Ontario Sugar Company, Limited, shall disentitle the said company, if otherwise entitled thereto, to claim aid under the provisions of the Act passed in the first year of the reign of His Majesty King Edward the Seventh, chaptered 11, merely by reason of any such agreements not complying in full with the requirements of clause b of section 6 of the said Act.

Provisions in
certain agree-
ments not to
disqualify
company for
Provincial
subsidy.

SCHEDULE A.

BY-LAW No. 735.

To aid The Ontario Sugar Company, Limited, by granting thereto the sum of \$25,000 by way of bonus, to issue debentures therefor and to provide for payment of such debentures by an annual special rate.

Whereas the said The Ontario Sugar Company, Limited, hereinafter called the Company, have proposed to establish and operate upon lands within or near to the Town of Berlin, a factory for the manufacture of beet root sugar, such factory being capable of using and converting into sugar at least 500 tons of sugar beets per day ;

And whereas it is proposed that if necessary the said lands or that portion thereof upon which the said factory shall be erected shall be annexed to and form part of the Corporation of the Town of Berlin ;

And whereas the Corporation of the Town of Berlin has determined to aid the said Company in the construction of the said factory by granting thereto a bonus of \$25,000, and by exempting their said lands, plant, factory and appurtenances from municipal taxation, except as to school tax, for a period of ten years and to fix an assessment value at which the

said

said factory and the entire assets of the said Company in the said Town shall be assessed during the said period of ten years ;

And whereas it will be necessary for the said Corporation to issue debentures to the extent of \$25,000, as hereinafter mentioned payable in 40 years at farthest from the date on which this By-law shall take effect :

And whereas it will require the sum of \$1,263.10 to be raised annually by special rate for the payment of the said debt and interest :

And whereas the amount of the whole ratable property of the said Town of Berlin, according to the last revised assessment of the said Town, is the sum of \$3,342,045 ;

And whereas the existing debenture indebtedness in the said Town is the sum of \$316,518.15 for principal, and \$8,421.23 for interest, and no part of the said principal or interest is in arrears ;

Therefore the Municipal Council of the Corporation of the Town of Berlin enacts as follows :—

(1) That the Mayor of the said Town is authorized and required to issue forty debentures of this Corporation, each for the said sum of \$1,263.10, and payable one on the first day of December in each of the forty years next, after the date hereof, and the amount of the said respective debentures shall be made up of a portion of the said principal sum of \$25,000, and of the interest for the year then past respectively on the amount of the principal money from time to time remaining unpaid and according to the schedule following, that is to say :—

	Principal.	Interest.
In 1902	\$263.10	\$1000.00
" 1903	273.63	989.47
" 1904	284.57	978.53
" 1905	295.96	967.14
" 1906	307.80	955.30
" 1907	320.11	942.99
" 1908	332.91	930.19
" 1909	346.23	916.87
" 1910	360.08	903.02
" 1911	374.48	888.62
" 1912	389.46	873.64
" 1913	405.04	858.06
" 1914	421.24	841.86
" 1915	438.09	825.01
" 1916	455.61	807.49
" 1917	473.84	789.26
" 1918	492.79	770.31
" 1919	512.50	750.60
" 1920	533.00	730.10
" 1921	554.32	708.78
" 1922	576.50	686.60
" 1923	599.56	663.54
" 1924	623.54	639.56
" 1925	648.48	614.62
" 1926	674.42	588.68
" 1927	701.40	561.70
" 1928	729.45	533.65
" 1929	758.63	504.47
" 1930	788.97	474.13
" 1931	820.53	442.57
" 1932	853.35	409.75
" 1933	887.49	375.61
" 1934	922.99	340.11
" 1935	959.91	303.19
" 1936	998.30	264.80
" 1937	1,038.24	224.86
" 1938	1,079.77	183.33
" 1939	1,122.96	140.14
" 1940	1,167.87	95.23
" 1941	1,212.88	50.22
		Which

Which said debentures shall be sealed with the corporate seal of the said town and signed by the mayor and countersigned by the treasurer thereof, and shall be dated on the day this by-law shall take effect and the interest on the said principal money shall be computed at the rate of four per cent. per annum, and the said debentures shall be payable at the office of the treasurer of the said town.

(2) That the mayor of the said town shall cause the said debentures to be sold at the highest price that can be obtained therefor, and the proceeds thereof shall be paid to the said company so soon as they shall have entered into a binding agreement with the said corporation to comply with the conditions herein set forth, that is to say :—

(a) They shall, when employing workmen give the preference to residents of the said Town of Berlin.

(b) They shall pay the men employed by them in the said factory in cash fortnightly.

(c) They shall not engage directly or indirectly in business as merchants in the said Town of Berlin or in the Township of Waterloo, so as to come into competition with the merchants of the said Town or Township.

(d) They shall properly maintain and operate the said factory for a period of ten years at least from the establishment thereof, and should the same cease to be maintained and operated within the true intent and meaning of this By-law for a continuous period of two years, the unearned bonus shall become due and payable to the said Corporation in the manner following, that is to say :—For each and every year which shall yet remain of the said period of ten years after the said cessation of operations for two years the sum of \$2,500 shall be immediately due and payable by the said Company and the said Corporation shall be entitled to rank therefor as creditors upon a winding-up of the said Company.

Provided always, however, that no such debentures shall be issued or sold nor shall any money be paid hereunder until after the said company shall have erected a beet root sugar factory with necessary plant and machinery at a cost of not less than \$500,000 nor until the lands upon which the said factory shall have been erected shall have been by proper authority annexed to the Corporation of the Town of Berlin nor until this By-law shall have been validated and declared legal, valid and binding upon the said corporation by Act of the Legislative Assembly of Ontario.

(3) That the property and assets of the said company shall be exempt from municipal taxation, except as to school tax, for a period of ten years from the date of the erection of the said factory, and during the said ten years all the said property and assets of the said company in the said corporation shall be assessed for the purpose of school taxation at the sum of \$100,000 and no more, and such assessment shall not be increased on account of any subsequent addition to the plant or otherwise.

(4) The said sum of \$1,263.10 required as aforesaid to be raised, levied and collected in each year during the said period of forty years shall be so raised, levied and collected in each year by a special rate sufficient therefor on all the ratable property within the Municipality of the said Town of Berlin not by by-law exempt from the said rate.

(5) This by-law shall take effect upon, from and after the second day of December, 1901.

(6) That the vote of the qualified electors of the said Town of Berlin shall be taken on this by-law by ballot pursuant to "The Municipal Act," on Tuesday, the Twelfth day of November, 1901, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, and at the places and by the Deputy Returning Officers hereinunder specified, that is to say :

For the North Ward (polling subdivisions Nos. 1 and 3 united), at August Schmiedel's grocery ; Deputy Returning Officer, Frederick Knell, jr.
For

For the Centre Ward (polling subdivisions 2 and 4 united), at Canadian Block ; George Baltzer, Deputy Returning Officer.

For the East Ward (polling subdivisions 5, 6 and 7 united, at the Council Chamber in the Market Building ; Mr. Henry Aletter, Deputy Returning Officer.

For the South Ward (Polling Subdivisions Nos. 8, 9 and 10 united), at Henry Sippel's shop on the South side of King street, Mr. Charles A. Ahrens, Jr., Deputy Returning Officer.

For the West Ward (Polling Subdivisions Nos. 11 and 12 united), at M. Erb & Co.'s wareroom, Mr. J. K. Master, Deputy Returning Officer.

(7) That the Clerk of this Council shall sum up the number of votes given for and against this By-law at the Council Chamber on the 13th day of November, 1901, at the hour of eleven o'clock in the forenoon.

(8) That the Mayor of the said Town shall attend at the said Council Chamber on the eleventh day of November, 1901, at the hour of eight o'clock in the evening to appoint persons to attend at the various polling places and at the final summing up of the votes by the said Clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this By-law respectively.

Finally passed after the assent of the ratepayers at the Councils Chamber at the Town of Berlin this second day of December, 1901.

(Corporate
Seal.)

G. H. BOWLEY,
Mayor.
H. ALETTER,
Clerk.

CHAPTER 45

An Act respecting the Town of Collingwood and the Collingwood Ship Building Company, Limited.

Assented to 17th March, 1902.

WHEREAS the Corporation of the Town of Collingwood and The Collingwood Ship Company, Limited, have by petition represented that by indenture bearing date the 7th day of September, A.D. 1889, the said municipal corporation did demise and lease to The Dry Dock and Wrecking Company of Collingwood, Limited, all that property comprising the dry dock property, being the production of St. Paul street, in the said Town of Collingwood, to hold for the term of twenty-one years, upon the terms and conditions therein mentioned; that The Collingwood Ship Building Company, Limited, are the successors of The Dry Dock and Wrecking Company, Limited, with the consent of the said municipal corporation; that by agreement bearing date the 14th day of November, A.D. 1899, made with the consent of the ratepayers of the said municipality, the said municipal corporation agreed to grant a bonus of \$50,000, to the said ship building company, to establish a large ship building yard, equipped with all necessary plant and machinery for the building of steel ships, within the said town, upon the terms and conditions more particularly set forth in the said agreement; that it appears that at the time of the first mentioned agreement it was the intention of the parties thereto, that the said dry dock property, and all erections, buildings and plant used in connection therewith should be exempt from all municipal rates and taxes for the full period of the term granted by the said indenture of lease, but inasmuch as it was only lawful for the said corporation to grant exemption from taxation for ten year periods, a by-law was passed by the then municipal council exempting the said property from municipal taxation for a period of ten years, and leaving it to succeeding councils to carry out the real agreement and intention of the parties; that since the time of the first named agreement the powers then possessed by municipal councils regarding exemption from taxation have been restricted so that the said municipal corporation cannot carry out the said agreement and understanding and grant the required exemption from taxation without the sanction of the legislature; that since the making of the said last mentioned agreement it has become evident that in order to carry on the steel ship building industry successfully in Collingwood, and provide the necessary facilities for repairing damaged vessels of the

Preamble.

class

class now in use, it will be imperatively necessary to entirely re-construct the present dry dock, and make it not only longer and wider, but also deeper, at an expense which will largely exceed the amount of the said bonus, and in order to make the present ship slip useful for the said purpose, further very large expenditures will be required, and for these purposes it will be necessary to very largely increase the capital stock of the said company : that in order to enable the said company to obtain the said increase of capital and operate the said ship building industry to its full requirements and to carry out the real agreement and intention of the parties to the first named agreement regarding exemption from municipal taxation, the said municipal corporation has by an agreement bearing date the 30th day of August, A.D. 1901, a copy of which agreement is printed as Schedule A to this Act, agreed to cancel the said two first mentioned agreements and to grant a new lease to the said company of the said dry dock property for a period of twenty-one years, renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental, and to exempt the said dry dock and the said steel ship building establishment, with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates and taxes, except school taxes, during the currency of the said lease, and that for the purpose of school taxation only, the value of the said property so used or hereafter to be used as aforesaid shall be annually placed on the assessment roll, at the sum of \$25,000 ; and whereas the said municipal corporation and the said company have by their said petition prayed that an Act may be passed confirming the said agreement of the 30th day of August, 1901, and confirming and legalizing a by-law of the said municipal corporation exempting the said dry dock property and the said ship building establishment, its plant and machinery from all municipal rates and taxes as aforesaid during the currency of the said leases as aforesaid ; and whereas the said corporation has by petition further set forth that the council of the said corporation did on the 10th day of February, 1902, pass By-law No. 600 of the said corporation, being a by-law to loan Messrs Stewart and Cameron, the sum of \$8,000 for the establishment of a grist mill within the said town, and by-law No. 601 of the said corporation, being a by-law to lend J. J. Zoch, the sum of \$20,000 for the establishment of an industry for the manufacture of jewellery, diamond settings and optical goods, which said two by-laws were duly submitted to the ratepayers of the said town and received the assent of more than two-thirds of the whole number of such ratepayers, and that as respects the said by-laws all the provisions of *The Municipal Act* and amendments thereto as to voting on bonus by-laws, were duly complied with, save that owing to a mistake, the said by-laws and notices relating thereto were not posted up in the said town although the same were duly published in newspapers as required by law.

and

and whereas the said corporation has prayed that the said by-laws may be legalized and confirmed; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

1. The agreement entered into between the Municipal Corporation of The Town of Collingwood and The Dry Dock and Wrecking Company of Collingwood, Limited, bearing date the 7th day of September A.D. 1889, and the agreement entered into between the Municipal Corporation of the Town of Collingwood and The Collingwood Ship Building Company, Limited, and one Alexander McDougall, bearing date the 14th day of November A.D. 1899, are rescinded and cancelled.

Agreements between town and Dry Dock and Wrecking Company and The Collingwood Ship Building Company cancelled.

2. The agreement entered into between the Municipal Corporation of the Town of Collingwood and The Collingwood Ship Building Company, Limited, bearing date the 30th day of August, A.D. 1901, which agreement is set out in Schedule A to this Act, is ratified and confirmed and is declared legal.

Agreement with ship building company confirmed.

3. It shall be lawful for the Municipal Corporation of the Town of Collingwood to exempt from all municipal rates and taxes, except school taxes, The Collingwood Ship Building Company, Limited, and the said dry dock, with all the buildings, plant and machinery now used therewith or which may hereafter be used therewith during the currency of any lease granted by the said municipality to the said company, of the said dry dock property, and for the purpose of school taxation only to place the value of the said property so used or which may hereafter be used during the currency of the said lease annually upon the assessment roll of the said municipality at the sum of \$25,000, and taxes upon such assessment for school purposes only shall be annually collected upon the said property, and By-law No. 580 of the Town of Collingwood declaring the said property exempt, which by-law is set out in Schedule B to this Act is hereby declared legal, valid and binding upon the said corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

Power to grant exemption from taxation to Ship Building Co., Limited.

4. By-law No. 600 of the Town of Collingwood to loan Messrs. Stewart and Cameron the sum of \$8,000 for the establishment of a grist mill within the said town, which by-law is set out in Schedule C to this Act, and By-law No. 601 of the said town to lend J. J. Zoch the sum of \$20,000 for the establishment of an industry for the manufacture of jewellery, diamond

By-laws 600 and 601 confirmed.

diamond settings and optical goods in the said town, which by-law is set out in Schedule D to this Act, and the debentures issued or to be issued under the said by-laws or either of them are ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the rate-payers thereof.

SCHEDULE A.

This Agreement made in duplicate this Thirtieth day of August in the year of Our Lord one thousand nine hundred and one, between the Corporation of the Town of Collingwood of the first part and the Collingwood Ship Building Company, Limited, of the second part.

Whereas by indenture bearing date the 7th day of September, A.D. 1889, the said corporation did demise and lease to the Dry Dock and Wrecking Company of Collingwood, Limited, all that property comprising the dry dock, being the production of St. Paul street in the said town and also did assign the unexpired term in certain leases of land comprising the dry dock property, the greater part of which is now owned by the said company to hold for the term of twenty one years upon the terms and conditions therein mentioned.

And whereas the said parties hereto of the second part are the successors of the said Dry Dock and Wrecking Company, Limited, with the consent of the said municipal corporation.

And whereas by agreement bearing date the 14th day of November, A.D. 1899, the said corporation did agree to grant a bonus of \$50,000 to the said company and one Alexander McDougall to establish a large ship building yard equipped with all necessary plant and machinery for the building of steel ships within the said town upon the terms and conditions more particularly set forth in the said agreement.

And whereas it appears that at the time of the said first mentioned agreement it was the intention of the parties thereto that the said dry dock property and all erections, buildings and plant used in connection therewith should be exempt from all municipal rates and taxes for the full period of the term granted by the said indenture of lease as appears by a letter signed by the mayor of the said municipal corporation bearing date the day of A.D. 1889, but inasmuch as it was only lawful for the said corporation to grant exemption for ten year periods only, a by-law was passed by the said corporation exempting the said property from municipal taxation for a period of ten years and leaving it to succeeding councils to carry out the real agreement and intention of the parties.

And whereas since the making of the said last mentioned agreement it has become evident that in order to carry on the steel ship building industry successfully in Collingwood and provide the necessary facilities for repairing damaged vessels of the large class now in use, it will be imperatively necessary to entirely reconstruct the present dry dock and make it not only longer and wider but also deeper at an expense which will exceed the said bonus and that in order to make the present ship slip useful for the same purpose further very large expenditures will be required.

And whereas in order to carry out the said improvements it will be necessary to very largely increase the capital stock of the said company.

And whereas the said company have represented to the said corporation that in order to enable them to succeed in obtaining the said increase of capital

capital and operating said ship building industry to its full requirements it will be necessary to cancel the said agreements and replace them by this agreement to which the said corporation has agreed provided the same is confirmed by the Ontario Legislature.

Now this indenture witnesseth that in consideration of the premises and of the covenants hereafter contained of the said company and subject to the ratification thereof by the Ontario Legislature; the said parties hereto do hereby covenant to and with each other in manner following, that is to say:

1. That upon the completion of the dry-dock in accordance with the plans submitted to the corporation the said two agreements shall cease and determine and all the covenants, provisoes and conditions thereof shall be at the end.

2. That the said municipal corporation will demise and lease unto the said company the said dry-dock proper being the property of the said corporation for a period of twenty-one years renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental.

3. That the said municipal corporation will exempt the said dry-dock and the said steel ship-building establishment with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates and taxes except school taxes during the currency of the said lease and that for the purpose of school taxation only the value of the said property so used or hereafter to be used as aforesaid shall be placed on the assessment roll at the sum of twenty-five thousand dollars including the year 1901.

4. That the said company shall have permission to use the ship-slip at the foot of Hurontario street for the purpose of launching vessels or may convert the same into a dry-dock and upon such conversion the said municipal council will grant a lease thereof to the said company for a like period and upon the same terms and conditions as the said lease of the dry-dock proper.

5. That the said company agree that they will carry on and operate the said dry-dock and steel shipbuilding industry in a proper manner during the currency of the said lease or any renewals thereof for the building and repairing of all kinds of steel and other vessels.

6. That the said company shall not until after the expiration of thirty years from the 14th day of November, 1899, remove the plant and machinery now used in the operation of the said ship yard out of the Town of Collingwood without the consent of the said municipal corporation.

7. It is further agreed that the costs and charges of and incidental to the obtaining the sanction of the legislative assembly to this agreement and the necessary by-law and shall be borne by the said company.

This agreement is conditional upon the same being sanctioned by the legislative assembly of the Province of Ontario

In witness whereof the parties hereto have hereunto affixed their corporate seals the day and year first above written.

[L. S]

(Sgd) I. C. Silver. [L. S.]
Mayor.

(Sgd) J. H. Duncan,
Clerk.
John J. Long.

SCHEDULE B.

By-law No. 580 of the Municipality of the Town of Collingwood.

Whereas by an agreement bearing date the thirtieth day of August, in the year of our Lord One Thousand Nine Hundred and One, and made between the Corporation of the Town of Collingwood, of the first part and The Collingwood Ship Building Company, Limited, of the second part.

It was among other things agreed that the said municipal corporation would demise and lease unto the said Collingwood Ship Building Company, Limited, all the dry-dock proper, being the property of the said corporation, for a period of twenty-one years renewable for further periods of twenty-one years upon the same terms and conditions at a nominal rental; and whereas it was also agreed in and by the said agreement that the said municipal corporation would exempt the said dry-dock and the said steel ship building establishment with all buildings, plant and machinery now used therewith or which may hereafter be used therewith from all municipal rates and taxes, except school taxes, during the currency of the said lease, and that for the purpose of school taxation only, the value of the said property so used or hereafter to be used, as aforesaid, should be placed on the assessment roll at the sum of \$25,000, including the year 1901; and whereas it is necessary to pass a by-law to carry out that portion of the agreement regarding the exemption from taxation, and to ratify the said agreement as a whole, be it therefore enacted by the municipal council of the corporation of the Town of Collingwood, as follows:—

1. That the said agreement bearing date the thirtieth day of August, A.D. 1901. between this corporation and the Collingwood Ship Building Company, Limited, be, and the same is hereby ratified and confirmed in all its terms.

2. That the dry-dock, which is to be enlarged and improved by the said company in accordance with the plan deposited with the Corporation marked as Exhibit A to this by-law situated at the foot of Ste. Paul Street, in the Town of Collingwood, being the property of the said town, and the steel ship building industry established by the Collingwood Ship Building Company, Limited, in the Town of Collingwood with all buildings, plant and machinery now used therewith, or which may hereafter be used therewith, be, and the same are hereby declared, exempt from all municipal rates and taxes, except school rates and local improvement rates, during the currency of the lease from this corporation to the Collingwood Ship Building Company, Limited, but the said exemption does not apply to any renewal of the said lease.

3. That for the purpose of school taxation only the value of the said steel ship building establishment with all buildings, plant and machinery now used therewith or which may hereafter, during the currency of the said lease, be used therewith shall be annually placed on the assessment roll at the sum of \$25,000, and school taxation only be levied and collected upon the said property on the said assessment of \$25,000.

4. That this by-law shall come into force and have effect from and after the passing thereof and ratification by the Ontario Legislature.

Passed in open council this seventeenth day of February, A.D. 1902.

SCHEDULE C.

BY-LAW No. 600.

Of the Town of Collingwood, to raise by way of debentures the sum of nine thousand dollars to grant by way of loan to George Alexander Stewart and George Ross Cameron, of the Town of Strathroy, Millers, the sum of eight thousand dollars in aid of a grist mill, to be erected by them within the said town and to provide a free site therefor.

Whereas George Alexander Stewart and George Ross Cameron, both of the Town of Strathroy, millers, have proposed to erect and operate within the Town of Collingwood, a flour mill, to be built of brick, stone, or granolithic blocks with a slate or iron roof, and equipped with all modern machinery, capable of turning out not less than one hundred and twenty-five barrels of flour per day of twenty-four hours provided that the said municipality would grant them a free and suitable site therefor, and would loan them the sum of eight thousand dollars on the security of the said

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mill, repayable without interest in twenty equal annual instalments which the said municipality have agreed to do upon the terms and conditions more fully set forth in an Agreement bearing date the tenth day of December, A.D. 1901, and made by and between the said parties.

And whereas, it is necessary to raise by way of debentures, the sum of nine thousand dollars to purchase the said site and to loan the said sum of \$8,000 to the said Stewart and Cameron.

And whereas, the amount of the whole rateable property of the municipality of the Town of Collingwood according to the last revised assessment roll, amounts to the sum of \$1,620,183.

And whereas, the existing debenture indebtedness of the said municipality amounts to the sum of \$328,064.16 and no principal or interest is in arrears.

And whereas, it will require the sum of \$662.22 to be raised annually for a period of twenty years to pay the interest of and discharge the said debt as the same becomes due and payable according to the schedule to this by-law.

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows :—

1. That the Mayor of the said town is hereby authorized and required to issue debentures of the said town to the amount of \$9,000 and such debentures shall be signed by the Mayor and Treasurer of the said municipality and sealed with the corporate seal, and there shall be twenty such debentures each for the sum of \$662.22 payable the first day of December, A.D. 1903 and on each of the next succeeding nineteen years, it being estimated that twenty such debentures are equal to \$9,000 of principal money and interest from the first day of December, A.D. 1902, at the rate of four per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows :—

YEAR.	INTEREST	PRINCIPAL	ANNUAL PAYMENT
1	\$360.00	\$302.22	\$662.22
2	347.90	314.32	662.22
3	335.33	326.89	662.22
4	322.25	339.97	662.22
5	308.65	353.57	662.22
6	294.51	367.71	662.22
7	279.81	382.41	662.22
8	264.51	367.71	662.22
9	248.60	413.62	662.22
10	232.05	430.17	662.22
11	214.84	447.38	662.22
12	196.95	465.27	662.22
13	178.34	483.88	662.22
14	158.98	503.24	662.22
15	138.86	523.36	662.22
16	117.91	544.31	662.22
17	96.14	566.08	662.22
18	73.50	588.72	662.22
19	49.95	612.27	662.22
20	25.47	636.75	662.22

2. The proceeds of the said debentures shall be applied in the manner following :—The sum of \$8,000 as a loan to the said Stewart and Cameron under the said agreement. The sum of \$1,000 for purchasing a site for the said grist mill, and other expenses.

3. To provide for the payment of the said sum of \$9,000 and interest thereon as aforesaid, the sum of \$662.22 shall be levied and raised annually for the period of twenty years, commencing with the year 1903, by special rate sufficient therefor on all the rateable property in the said municipality.

4. The said debentures shall be payable at the Bank of Commerce, Collingwood.

5. That this by-law shall come into force from and after the passing thereof.

6. That the votes of the qualified electors of the said town shall be taken by ballot upon this by-law at the following time and places and by the undermentioned deputy-returning officers, that is to say :—On Monday, the sixth day of January, A.D. 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers :—

In polling sub-division No. 1, first ward, the town hall, Hurontario street, Chas. Macdonnell, deputy returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot 25, east Hurontario street, J. W. Archer, deputy returning officer.

In polling sub-division No. 3, second ward, Mrs. Hill's residence, lot 8, east Ste. Marie street, W. C. Millar, deputy returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13, east Beech street, M. J. Pomphrey, deputy returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howards shoe shop on the corner of Hurontario and Third streets, Patrick Howard, deputy returning officer

In polling sub-division No. 6, fifth ward, Thomas Gillson's house, lot 42, West Pine street, Thomas Gillson, deputy returning officer.

7. That at ten o'clock in the forenoon of Friday the 3rd day of January, A.D. 1902, at the town hall, Collingwood, the persons to attend at the various polling places on behalf of the persons interested in promoting or opposing the passage of the by-law shall be appointed and such persons shall also attend at ten o'clock in the forenoon on the 7th day of January, A.D. 1902, at the said town hall, at the final summing up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as required by *The Municipal Act*.

8. That the clerk of the said municipality at ten o'clock in the forenoon on the 7th day of January, A.D. 1902, at the said town hall, shall sum up the votes given for and against this by-law and shall then and there declare the result.

Passed in open council this 10th day of February, 1902.

(Sgd.) J. H. DUNCAN,
Clerk.

[Seal.]

(Sgd.) W. A. HOGG,
Mayor.

SCHEDULE D.

BY-LAW No. 601.

Of the corporation of the Town of Collingwood for the purpose of granting by way of loan to John Joseph Zock, of the City of Toronto, Manufacturer, the sum of twenty thousand dollars towards the establishment of an industry within the said town for the manufacture of jewellery, diamond settings, and optical goods, to purchase a site for the said industry and to issue debentures for the sum of twenty-one thousand dollars for these purposes.

Whereas, the said John Joseph Zock has proposed to establish within the Town of Collingwood, a large industry for the manufacture of jewellery, diamond settings, and optical goods, employing at least one hundred hands in its operation, provided the said corporation would provide a suitable site and loan to him for ten years without interest the sum of twenty thousand dollars, secured by mortgage upon the said industry and repayable in annual instalments.

And whereas, the said corporation have agreed to make the said loan and to furnish the said site upon the terms and conditions more fully set forth in an agreement bearing the date of the eleventh day of December, A.D., 1901, entered into between the said John Joseph Zock and the said corporation, a copy of which agreement is set out in Schedule B to this by-law.

And

And whereas, it is necessary in order to make the said loan and provide the said site, to borrow the sum of twenty-one thousand dollars and to issue debentures of the said municipality therefor

And whereas, the whole rateable property of the Town of Collingwood, according to the last revised assessment roll, amounts to \$1,620,183.

And whereas, the existing debenture indebtedness of the said municipality amounts to \$328,064.16, and no principal or interest is in arrears.

And whereas, it will require the sum of \$2,653.93 to be raised annually for a period of ten years to pay the interest of and discharge the said debt as the same becomes due and payable.

Therefore the municipal council of the corporation of the Town of Collingwood enacts as follows :—

1. That the Mayor of the said town be hereby authorized and required to issue debentures of the said town to the amount of \$21,000, and such debentures shall be signed by the mayor and treasurer of the Town of Collingwood and sealed with the corporate seal, and there shall be ten such debentures each, for the sum of \$2,653.93 payable the first day of December, A.D. 1903, and on each of the next succeeding nine years thereafter, it being estimated that ten such debentures are equal to \$21,000 of principal money and interest at the rate of $4\frac{1}{2}$ per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows :—

Year.	Interest.	Principal.	Annual Payment.
1	\$945 00	\$1,708 93	\$2,653 93
2	868 09	1,785 84	2,653 93
3	787 73	1,866 20	2,653 93
4	703 75	1,950 18	2,653 93
5	615 99	2,037 94	2,653 93
6	523 28	2,129 65	2,653 93
7	428 44	2,225 49	2,653 93
8	328 23	2,325 70	2,653 93
9	223 65	2,430 28	2,653 93
10	114 28	2,539 65	2,653 93

\$21,000 00

2. The proceeds of the said debentures shall be applied in manner following, that is to say :—

The sum of \$20,000 to be loaned to the said John Joseph Zock.

The sum of \$1,000 to purchase a site and other expenses in connection with this by-law.

3. To provide for the payment of the said sum of \$21,000 and interest thereon, as aforesaid, the sum of \$2,653.93 shall be levied and raised annually for a period of ten years, commencing with the year 1903 by special rate sufficient therefor on all the rateable property of the Town of Collingwood.

4. The said debentures shall be payable at the Canadian Bank of Commerce, Collingwood.

5. That this by-law shall come into force and have effect from and after the passing thereof.

6. That the votes of the qualified electors of the said town shall be taken by ballot upon this by-law at the the following time and places and by the undermentioned deputy-returning officers, that is to say, on Monday, the sixth day of January, A.D., 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day at the following polling places by the following deputy-returning officers.

In polling sub-division No. 1, first ward, the Town Hall, Hurontario street, Charles Macdonell, deputy-returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot 25 east Hurontario street, J. W. Archer, deputy-returning officer.

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In polling sub-division No. 3, second ward, Miss Hill's residence, lot No. 8, east Ste. Marie street, W. C. Millar, deputy-returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13, East Beech street, M. J. Pomphrey, deputy-returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howard's shoe shop, on the corner of Hurontario and Third streets, Patrick Howard, deputy-returning officer.

In polling sub-division No. 6, fifth ward, Thomas Gillson's house, lot 42, west Pine street, Thomas Gillson, deputy-returning officer.

7. That at ten o'clock in the forenoon of Friday, the 3rd day of January, A.D., 1902, at the Town Hall, Collingwood, the persons to attend the various polling places on behalf of persons interested in promoting or opposing the passage of the by-law shall be appointed and such persons shall also attend at ten o'clock in the forenoon of the 7th day of January, A.D., 1902 at the said town hall, at the final summing up of the votes given for and against the by-law together with the two persons to be appointed by the head of the municipality as requested by *The Municipal Act*.

8. That the clerk of the said municipality at ten o'clock in the forenoon on the 7th day of January, A.D., 1902, at the said town hall, shall sum up the votes given for and against this by-law and shall then and there declare the results.

Passed in open council this tenth day of February, 1902.

J. H. DUNCAN,
Clerk.

[L.S.]

W. A. HOGG,
Mayor.

CHAPTER 46

An Act confirming certain By-laws of the Township of Cornwall.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporation of the Township of Cornwall and Michael P. Davis by their petitions have prayed that an Act may be passed confirming a certain by-law, being By-law No. 678 of the said Township, and a certain Agreement made between the Corporation of the Township of Cornwall and Michael P. Davis, which are fully set forth as Schedules A and B respectively to this Act; and whereas the said municipal corporation and The Toronto Paper Compay, Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law being By-law No. 677 of the said township, and a certain agreement made between the said municipal corporation and The Toronto Paper Company, Limited, which are fully set forth in Schedules C and D respectively to this Act; and whereas the said by-laws were unanimously passed by the Municipal Council of the Township of Cornwall, and the said agreements were entered into upon certain conditions which the said Township of Cornwall considers favorable; and whereas it is expedient to grant the prayers of the said petitions;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said by-law No. 678 of the Municipal Corporation of the Township of Cornwall, together with the agreement therein referred to, the said by-law and agreement being respectively set forth in full in Schedules A and B to this Act, are hereby confirmed, and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

By-law No.
678 and agree-
ment with M.
P. Davis
confirmed.

2. The said by-law No. 677 of the Municipal Corporation of Township of Cornwall, together with the agreement therein referred to, the said by-law and agreement being respectively set forth in full in Schedules C and D to this Act, are hereby confirmed and declared legal, valid and binding, in the

By-law
No. 677 re To-
ronto Paper
Company
confirmed.

the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

SCHEDULE A.

By-law No. 678 of the Corporation of the Township of Cornwall, in the County of Stormont, of the year 1902, for fixing the assessment upon the property of M. P. Davis, situated in the Township of Cornwall, upon which the said M. P. Davis is required to pay municipal and school taxes for a period of ten years from the 1st day of January A.D. 1902.

Whereas, the Corporation of the Township of Cornwall has entered into an agreement bearing even date herewith, with Michael P. Davis, of the City of Ottawa, in the County of Carleton, contractor, to fix the assessment of all the real estate, buildings, machinery, poles, wires, appliances and property immediately used or connected with his plant, situated at Sheik's Island, in the Township of Cornwall, at 33½ per cent. for a period of ten years from the first day of January, A.D. 1902, upon the terms, provisoes and conditions in said agreement contained ;

And whereas, it is necessary to authorize the reeve and clerk of the Corporation of the Township of Cornwall to execute the said Agreement and attach the corporate seal thereto ;

Be it therefore enacted by a by-law of the Corporation of the Township of Cornwall, and it is hereby enacted ;

That the reeve and clerk be and they are hereby authorized and empowered to sign and seal the corporate seal of the Township of Cornwall to said agreement with the said M. P. Davis, bearing date the 8th day of February, A.D. 1902 ;

And it is therefore enacted that the said agreement with the said M. P. Davis shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this 8th day of February, A.D. 1902.

(Sgd.) R. A. SHEARER, [Seal]
Reeve of Township of Cornwall.

(Sgd.) JOHN MULLIN,
Tp. Clerk, Tp. of Cornwall.

SCHEDULE B.

Agreement made this 8th day of February, A.D. 1902, between the Corporation of the Township of Cornwall, in the County of Stormont and Province of Ontario, hereinafter called the corporation of the first part, and Michael P. Davis, of the City of Ottawa, in the County of Carleton, contractor, hereinafter called the party of the second part.

Whereas, Michael P. Davis is the lessee of the Dominion Government of a certain water power at or near the foot of Sheik's Island, in the Township of Cornwall, in the County of Stormont, and has lately developed said power and erected a power house.

And whereas the said Michael P. Davis has, up to the present time, developed

developed about fifteen hundred horse power and is considering the advisability of developing some three thousand horse power, said extra power to be used for the purpose of supplying manufacturing and industrial establishments.

And whereas the said M. P. Davis is endeavoring to have manufacturing industries locate at or near Sheik's Island, in the said Township of Cornwall, and the location of said industries would be of great advantage to the Township.

And whereas a great deal of the money that has been expended by the said M. P. Davis has been expended in the development of the water power, which said power, under the terms of his lease with the Dominion Government, remains the property of the Dominion Government.

And whereas, the only portion of his said plant which is assessable, is the building and machinery connected therewith, and the poles, wires, and other appliances used in connection with his furnishing light and operating the Cornwall Canal.

And whereas, the said M. P. Davis has applied to the Municipal Corporation of the Township of Cornwall, for exemption from municipal and school taxes upon his plant for a period of ten years.

And whereas, the Municipal Corporation of the Township of Cornwall, do not feel justified in granting a complete exemption from municipal and school taxes for a period of ten years, but have considered that it would be in the interests of the Municipality to commute the taxes to be levied upon the property of the said M. P. Davis.

Now this agreement witnesseth, that the Municipal Corporation of the Township of Cornwall hereby agree to fix the assessment of all the real estate, buildings, machinery and property immediately used or connected therewith, or which may be used or connected therewith in the development of further power; and which belong to the said M. P. Davis, and which are situated in the Township of Cornwall, at $33\frac{1}{3}$ per cent. of \$90 000.00 for the period of ten years from the first day of January, A.D. 1902.

And the said Municipal Corporation hereby further exempt the said M. P. Davis from the performance or payment of statute labor for a period of ten years from the first day of January, 1902.

And the said M. P. Davis covenants and agrees that just so soon as possible, he will have located in the Township of Cornwall, at or near his power house, industrial establishments which will be operated by power furnished from his power house.

The said M. P. Davis further covenants and agrees, as power is required by manufacturing or industrial establishments, that he will equip his plant so as to furnish power up to the maximum amount that he would be able to develop from the power now completed.

And it is further agreed between the parties hereto, that this agreement shall not come into operation or take effect, until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring the validity of same; together with a by-law of the Municipal Corporation, authorizing the Reeve and Clerk of the Township of Cornwall to execute this agreement.

In witness whereof, the Reeve and Clerk of the Corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the said Michael P. Davis has hereunto subscribed his hand and affixed his seal, this eight day of February, A.D. 1902.

(Sgd.) R. A. SHEARER,
Reeve of Township of Cornwall.

(Sgd.) JOHN MULLIN,
Tp. Clerk, Tp. Cornwall.

Witness :
(Sgd.) J. A. C. CAMERON,
Barrister, Cornwall, Ont

{ Seal }

(Sgd.) R. A. PRINGLE. (Sgd.) M. P. DAVIS. [Seal]

SCHEDULE C

SCHEDULE C.

By-Law No. 677 of the Corporation of the Township of Cornwall, in the County of Stormont, of the year 1902, for exempting the new portions of The Toronto Paper Company's mills in the Township of Cornwall, and for fixing the proportion of the assessment upon the old portions of The Toronto Paper Company's mills in the Township of Cornwall, upon which said company are required to pay municipa and school taxes for a period of ten years from the 1st day of January A.D. 1902.

Whereas, the Corporation of the Township of Cornwall have entered into an agreement, bearing even date herewith, with The Toronto Paper Company, Limited, to exempt the newer portions of the said Toronto Paper Company's mills in the Township of Cornwall, and to fix the assessment of all the other real estate buildings, machinery and other property immediately used or connected therewith, belonging to the company's mills, in the Township of Cornwall at $33\frac{1}{3}$ per cent. of \$210,000.00 for a period of ten years from the 1st day of January A.D. 1902, upon the terms, provisions and conditions in said agreement contained.

And whereas, it is necessary to authorize the reeve and clerk of the Corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto.

Be it therefore enacted, by a by-law of the Corporation of the Township of Cornwall, and it is hereby enacted, that the reeve and clerk be and they are hereby authorized and empowered to sign and seal the corporate seal of the Township of Cornwall to said agreement with The Toronto Paper Company, Limited, bearing date the first day of February A.D. 1902.

And it is therefore enacted that the said agreement with The Toronto Paper Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this first day of February, in the Year of our Lord, one thousand nine hundred and two.

(Sgd.) ROBT. A. SHEARER,
Reeve.

(Sgd.) JOHN MULLIN,
Tp. Clerk.

[Seal]

SCHEDULE D.

This Agreement made between the Corporation of the Township of Cornwall in the County of Stormont, and Province of Ontario, hereinafter called the Corporation of the First Part, and The Toronto Paper Company, Limited, a body corporate and politic, hereinafter called the Company of the Second Part.

Whereas, The Toronto Paper Company, Limited, has for a number of years operated a paper mill and pulp mill in the Township of Cornwall, near the Town of Cornwall.

And whereas, owing to improvements which have of late years been made in paper machinery and in the process of making paper, the company

pany found it was in their interests to enlarge the capacity of their said mill.

And whereas, the period of exemption has expired upon the older portions of The Toronto Paper Company's mills.

And whereas, The Toronto Paper Company, Limited, are about making additions to their buildings and machinery connected with their manufacturing property, in the Township of Cornwall, known as the Toronto Paper Company, to the amount of \$90,000.

And whereas, in consideration of the proposed additions to the said company's said property and the expenditure of the said sum of money, and the employment of a number of hands in the company's mills in the Township of Cornwall, the corporation deem it advisable to enter into a new contract with the company, for the purpose of exempting the newer portions of said mill from taxation for a period of ten years, and fixing the amount of assessment on which taxes are to be levied for municipal and school purposes on all the rest of the company's real estate, buildings, machinery and other property immediately used or connected therewith, excepting and excluding, however, all boarding houses, dwelling houses or residences of managers or other employees of the company in the Township of Cornwall.

This agreement witnesseth, that the corporation hereby agree to exempt the new portions of said company's property for the period of ten years, from the 1st day of January, A.D. 1902, from municipal taxes and statute labor; and further exempts the new portions of said mill from school taxes upon conditions that the said Toronto Paper Company give to the corporation all the coal cinders not required for their own use, to be used by the township for their roads.

And the corporation further agree to fix the assessment of all other real estate, buildings, machinery and property immediately used or connected therewith, belonging to the company's mills or factories in the Township of Cornwall at $33\frac{1}{3}$ per cent. of \$210,000, for the period of ten years from the 1st day of January A.D. 1902, and municipal and school taxes shall only be collected upon $33\frac{1}{3}$ of the said value fixed at \$210,000 for a period of ten years from the 1st day of January A.D. 1902, and the said property shall be exempt from statute labor for a period of ten years.

And the company agree with the corporation that in consideration of the commutation of the assessment and taxes as aforesaid, that they will fully equip with modern machinery the new addition to their factory, which is now in course of erection, and will expend not less than \$90,000 on same.

And the company further agree with the corporation that they will employ not less than forty hands uniformly and continuously and from day to day, while running for the said term of said years in their factory in the Township of Cornwall.

The company further agree with the corporation to run and operate all and each their factories in the Township of Cornwall, to the full capacity of all and every department thereof, during the said term of ten years, or not less than nine months in the aggregate in any consecutive period of twelve months, such months to be composed of 26 days of 10 hours each, and such nine months to be exclusive of stoppages from any cause whatsoever.

And the company further agree with the corporation that in the event of the company making default in the running of their mills, in accordance with the terms aforesaid, at any time during the said term of ten years when and so often as such default shall happen, then all the real estate, buildings, machinery and other property of the company, in the Township of Cornwall, shall be assessed according to law and be liable for taxes for the year in which such default happens, as if this agreement had not been entered into, and no Act of the Provincial Legislature had been passed ratifying and validating the same.

And

And it is further agreed between the parties hereto, that this agreement shall not come into operation or take effect until an Act is passed by the legislature of the Province of Ontario, ratifying, confirming and declaring the validity of same, together with a by-law of the Municipal corporation authorizing the reeve and clerk of the Township of Cornwall to execute this agreement.

And it is further agreed that wherever the word "company" is used in this agreement, the same shall be taken and construed to mean The Toronto Paper Company, their successors, assigns and transferees.

In witness whereof, the reeve and clerk of the corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal and the president of The Toronto Paper Company Limited, has hereunto subscribed his hand and affixed the company's seal this 1st day of February A. D. 1902.

(Signed) L. ROBT. A. SHEARER
Reeve.

(Signed) JOHN MULLIN, TP.
Clerk

[Seal]



(Signed) TORONTO PAPER COMPANY, LIMITED.
JOHN R. BARBER, Pres.
EDW. TROUT, Sec.

CHAPTER 47.

An Act respecting the Town of Dresden.

Assented to 17th March, 1902.

WHEREAS the Corporation of the Town of Dresden has represented by their petition, that after having given due notice thereof as required by *The Municipal Act*, the corporation submitted to the vote of the electors of the said town, By-law number 277 granting \$40,000 by way of bonus to aid in the establishment of works for the manufacture of beet sugar in the said Town of Dresden; that the vote on the said by-law was duly taken on 2nd September 1901, 306 of the electors voting in favour of and 14 voting against the said by-law, the whole number of persons qualified to vote being 400; that the said by-law was read a third time and finally passed on 8th October 1901; that the payment of such bonus and of all similar bonuses already granted by the said municipality, will require an annual levy for principal and interest exceeding ten per cent. of the total annual taxation of said municipality contrary to the provisions of section 591 of *The Municipal Act* as amended by section 9 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 33; that on 30th December 1901, the said corporation entered into an agreement with The Dresden Sugar Company, Limited, whereby the said Corporation of the Town of Dresden agreed to pay to the said company the amount of the said bonus upon completion of the works set out in the said agreement; that the said company in pursuance of the said agreement have purchased a site in the said town and have let a contract for the erection of the necessary buildings and works; that to enable the Corporation of the Town of Dresden to carry out the said agreement on their part it is necessary that the said by-law, the issue and payment of the debentures therein specified and the said agreement should be validated and confirmed; and whereas the said Corporation of the Town of Dresden has by its said petition prayed that the said by-law, the issue and payment of the said debentures and the said agreement be validated and confirmed; and whereas it is deemed advisable to encourage the manufacture of beet sugar in the Province of Ontario; and whereas no opposition has been offered to the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

By-law 277
confirmed.

1. By-law number 277 of the Corporation of the Town of Dresden, set forth in Schedule A to this Act is confirmed and declared legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said corporation to pass the said by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or in the preliminaries thereto, and the said Corporation of the Town of Dresden is authorized and empowered to issue debentures as provided by the said by-law and from time to time to make all necessary assessments and collections for the payment of such debentures as they become due, and the said debentures so to be issued under the said by-law are declared legal and binding upon the said municipality and the said corporation is authorized and empowered to do all acts necessary for the full and proper carrying out of the said By-law number 277.

Agreement
with Sugar
Co. confirmed.

2. The agreement hereinbefore referred to and set out in Schedule B to this Act is validated and confirmed and declared legal and binding upon the parties thereto, their successors and assigns, and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said agreement.

Repayment
of bonus if
company
fails to carry
out agreement

3. In the event of the said company failing to establish and operate the said works according to the terms of the said by-law and agreement, or in the event of the said company at any time during the term of ten years discontinuing business or going into liquidation, or failing to comply substantially with the terms of the said by-law and agreement, the said company shall notwithstanding any provisions in the said by-law or agreement contained, repay to the said Corporation of the Town of Dresden the amount of the said bonus of \$40,000 and interest thereon from the date of such event at four per cent. per annum, and in any such event the said amount shall become and is hereby declared to be a first charge in favour of the said corporation upon the property and assets of the company.

School rates
not affected.

4. Providing that notwithstanding anything to the contrary in this Act, neither the said by-law or agreement shall be deemed to authorize the waiver or remission of rates for school purposes or any exemption in respect thereof.

SCHEDULE A.

BY-LAW No. 277.

A by-law granting \$40,000 by way of bonus to aid in the establishment of works for the manufacture of beet sugar in the Town of Dresden.

Whereas it is considered advisable to grant the sum of forty thousand dollars by way of bonus to aid in the establishment of works for the manufacture of sugar and similar products from sugar beets.

And

And whereas no industry of a similar nature is now established in the said municipality.

And whereas the amount of the debt which is intended to be created by this by-law is the sum of \$40,000 with four per cent. interest thereon until the debentures to be issued therefor are paid.

And whereas, the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of \$2,943.28.

And whereas, the amount of the whole rateable property of the said municipality according to the last revised assessment roll is the sum of \$393,634.

And whereas, the amount of the existing debenture debt of the municipality is the sum of \$28,054.82 of which no part is in arrear.

And whereas, the payment of such bonus will require an annual levy for principal and interest exceeding ten per cent. of the total annual taxation of the said municipality.

Be it therefore enacted, and it is hereby enacted by the municipal council of the Town of Dresden, as follows :—

1. That it shall and may be lawful for the municipal council of said town to aid such person or persons or body corporate as to the said council may seem meet, in the purchase of land and the erection and establishment of works for the manufacture of sugar and similar products from sugar beets, by granting to such person or persons or body corporate the sum \$40,000 by way of bonus, upon the conditions that said works and land shall cost not less than \$400,000, that said works shall be capable of producing at least twenty tons of fully refined sugar daily, and shall be when completed a well equipped factory of the latest design for the production of fully refined sugar, and upon such other conditions as said council may deem best.

2. That for such purpose the mayor of said town may borrow upon the credit of the corporation of said town the sum of \$40,000 and may issue therefor the debentures of the said corporation under the seal of the corporation signed by the mayor and the treasurer thereof and in sums of not less than \$100 each, the principal and interest of such debentures to be repayable within twenty years from the date of issue thereof, as hereinafter provided, at the Canadian Bank of Commerce in Dresden, in annual payments, so that the aggregate amount of principal and interest in each year shall equal as nearly as may be the amount payable for principal and interest in every other year of said term, such debentures to have attached to them coupons for the payment of interest annually at the rate of four per cent. per annum at the said bank.

3. Such debentures shall be issued and bear date upon the day provided by any agreement which may have been or may hereafter be entered into respecting same by said council with such person or persons or body corporate or any of them.

4. A special rate upon all the rateable property in said town over and above all other rates and sufficient to discharge the said yearly payments of principal and interest as the same become due, namely, the sum of \$2,943.28 shall be annually levied and collected commencing from the date of issue of said debentures.

5. The purchaser or holder of any of the debentures aforesaid shall not be bound to see to the application of said bonus nor of any part thereof, nor to the performance of any of the conditions contained in this by-law or in any agreement that may be entered into thereunder but shall hold said debentures absolutely freed and discharged from such conditions.

6. The said council may also remit the taxes upon the said land and works for a period not greater than ten years from the completion thereof or such portion thereof as to them may seem best.

7. This by-law shall not take effect until legalized and confirmed by the legislative assembly of the Province of Ontario.

8. The votes of the duly qualified electors of the said Town of Dresden, shall be taken on this by-law on Monday, the second day of September, A. D. 1901, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, for the north ward at the frame school house, George B. Rush, returning officer; for the centre ward, at the council chamber in the fire hall, Benson Gillaspie, returning officer; and for the south ward, at the town hall, James B. Carscallen, returning officer.

9. On the thirty-first day of August, A. D. 1901, at ten o'clock in the forenoon the mayor of said municipality shall attend at the said council chamber for the purpose of appointing two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law.

10. The clerk of said council shall at said council chamber, after the close of the polls on the said second day of September, A. D. 1901, sum up the number of votes given for and against the by-law.

SCHEDULE B.

Articles of agreement made and entered into this thirtieth day of December, A.D. one thousand nine hundred and one, between the Municipal Corporation of the Town of Dresden herein called "the corporation," of the first part, and The Dresden Sugar Company, Limited, herein called "the company," of the second part.

Whereas the corporation is desirous of promoting and securing the establishment within said town, of a factory for the manufacture of sugar and similar products from sugar beets; and

Whereas said company is willing to erect and establish such a factory upon the conditions hereinafter contained,

Now therefore these presents witness and the parties hereto, for themselves, their successors and assigns, mutually covenant, promise and agree, the one with the other, as follows, that is to say:—

The company shall within two months after the confirmation by the proper authorities of the by-law hereinafter mentioned, purchase within the limits of the said Town of Dresden a site suitable for the establishment thereon of the buildings and works hereinafter mentioned for an estate in fee simple, and shall erect upon said site buildings suitable for the purposes of said factory, and shall place in said building all necessary and up-to-date machinery for the manufacture of sugar and similar products from sugar beets and capable of turning out at least twenty-five tons of the finished product daily.

Such plant and machinery shall be of the most approved and latest pattern and design, and such building plant and machinery shall cost not less than \$400,000 (four hundred thousand dollars), and the whole when completed shall make a modern, up-to-date and well-equipped sugar factory for the manufacture of standard sugar and other similar products, and shall be fully completed and ready for operation for the beet crop of 1902, and not later than the first day of November, 1902, unavoidable casualties and contingencies excepted or any other causes beyond the company's control.

Should there be a dispute as to the cost of said building plant and machinery, the same shall be determined by a referee, to be appointed by the judge of the County Court of the County of Kent.

The

The company shall properly maintain and operate and continually operate and repair and keep in good working order, and repair the said building plant and machinery for a term of ten years after the payment to them of the bonus hereinafter mentioned for such period of time, each year of such term as the supply of sugar beets to such company admits of, provided, however, that in case said company is hindered or delayed by casualties, combines, strikes and lockouts, or stress of weather, by which said company cannot successfully operate its said building plant and machinery as aforesaid, in which case, upon the happening of any of said causes or events, the said company shall be relieved from its operations while so hindered and delayed.

The office or place of business of the company shall be in the Town of Dresden and the business office of the company shall be located within the limits of the corporation.

Should the company make default in any of the conditions or agreements herein contained and by it to be performed, it shall repay to the corporation (as liquidated damages) the amount of the bonus hereinafter mentioned, namely, forty thousand dollars, with interest at four per cent. thereon, from the time of such default, which amount shall thereupon become a charge in favor of the said corporation upon the property and assets of the company.

The company shall, if so desired by the corporation, furnish to the corporation at least 100 tons of cinders annually during said term of ten years free of charge, provided there are sufficient accumulation of cinders from the business of said company each year to permit such company to furnish such quantity.

Upon the completion of the said building plant and machinery in complete working order and fully in operation and manufacturing a standard grade of sugar, in the quantity hereinbefore mentioned, the corporation shall pay to the company as a bonus forty thousand dollars (\$40,000) in legal currency.

The corporation shall remit to said company during said term of ten years all taxes upon said building plant and machinery in excess of the sum of \$20,000 annually.

The corporation shall during the first three years of said term assist in obtaining from the farmers in the neighborhood of the said town agreements for the required acreage for the growth of sugar beets.

The corporation shall grant to the company the free and exclusive use and possession of the following streets and highways or parts thereof within the Town of Dresden, namely:—

1. That part of Metcalfe avenue lying between the southern limit of Lindsley street and the northern limit of Brown street ;

2. That part of Lindsley street from the westerly limit of West street to Metcalfe avenue aforesaid ;

3. All streets or public ways lying between lots numbers one hundred and three and one hundred and ten on the north side of Metcalfe avenue aforesaid leading from said Metcalfe avenue to the River Sydenham, for such period as said company shall be engaged in its operations, and said corporation shall institute proper proceedings for the closing of said streets and highways or parts thereof, and the granting to and vesting in said company of such use and possession, subject, however, to any rights now possessed by the Erie and Huron Railway Company or its assigns, in consideration of which the said company agrees to grant to said corporation a right of way four rods wide leading to the River Sydenham from Metcalfe avenue between the aforesaid lots one hundred and three and one hundred and ten on the north side of Metcalfe avenue, but at such point between said lots as may hereafter be agreed upon.

This agreement shall not become binding upon the corporation until the by-law granting such bonus has been legalized and confirmed by an Act of

the Legislature of the Province of Ontario, which Act may be substantially similar to chapter 74 Ontario 1 Edw. VII., 1901.

In witness whereof the said corporation and said company have caused their corporate seals to be affixed and attested by signatures of the proper officers.

Witness :

(Sgd.)

WALTER H. CLAPP.

(Sgd.)

ASA RIBBLE,
Mayor.

{ Corp.
Dresden. }

(Sgd.)

JAMES DAVIDSON,
President.

(Sgd.)

ARTHUR SMITH,
Treasurer.

(Sgd.)

JNO. H. WALSH,
Secretary.

{ Dresden
Sugar
Co. Lt'd.
Corp. Sl. }

CHAPTER 48.

An Act respecting the Township of Etobicoke.

Assented to 17th March, 1902.

WHEREAS the Corporation of the Township of Etobicoke, Preamble.
in the County of York, by petition has represented that the said municipality is situated in close proximity to the City of Toronto, and that numerous portions of property have been sub-divided into building lots under registered plan, thereby causing a large non-resident assessment; and whereas the treasurer of the said municipality has been given the power to conduct tax sales, and to collect all arrears; and whereas the application of certain sections of *The Municipal Act* and *The Assessment Act*, which apply to cities and towns, would facilitate and simplify the assessment of the said municipality; and whereas by the said petition it has been asked that the said corporation be empowered to appoint the treasurer to levy and collect all taxes, rates and assessments imposed by said council from year to year; and that the said corporation may appoint their clerk assessment commissioner and that notwithstanding anything to the contrary in *The Municipal Act* or *The Assessment Act*, they may be enabled to hold both offices; and whereas it has been made to appear that owing to the suburban character of a large part of the said township such special provisions would be of great advantage to the said township; and whereas it is further asked that a certain by-law of the Municipal Corporation of the Township of Etobicoke, intituled "By-law No. 769 a By-law in reference to the Toronto Suburban Railway Company" and the agreement authorized thereby may be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Council of the Corporation of the Township of Etobicoke may by by-law appoint and authorize their treasurer to levy and collect all taxes, rates and assessments which may be imposed from year to year by the said municipal council with all the powers conferred by law upon a collector of taxes, anything to the contrary in any general Act notwithstanding.

By-law
authorizing
treasurer to
act as
collector.

Clerk may be
appointed
assessment
commissioner.

2. The Municipal Council of the Corporation of the Township of Etobicoke, in addition to the powers conferred upon it to appoint assessors under the provisions of section 295 of *The Municipal Act* may appoint their clerk assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform all the duties of assessors appointed under the provisions of said section 295; and the said council shall also have power by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner, assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council; and the said council shall have power to appoint their clerk as said commissioner notwithstanding anything in any general Act to the contrary.

Treasurer to
give notices
as to arrears
of taxes.

3. The provisions contained in section 147 of *The Assessment Act* requiring the collector to forward a duplicate of the return to the clerk of the municipality, and that the clerk shall mail a notice to each person appearing on the roll with respect to whose lands taxes appear to be in arrear for that year, shall not apply to the Township of Etobicoke; but in lieu thereof the treasurer shall give the notice by the said section required to be given by the clerk.

Council given
power to pass
certain
by-laws.

4. The Council of the Corporation of the Township of Etobicoke may pass by-laws for the purposes mentioned in subsections 5 and 6 of section 540 and subsections 4, 5 and 9 of section 559 of *The Municipal Act*, and section 58 of *The Assessment Act*.

Rev. Stat. c.
224, s. 29, to
apply to
township.

5. Section 29 of *The Assessment Act* as applicable to towns and villages shall be applicable to the Township of Etobicoke.

By-law 769
and agreement
with railway
confirmed.

6. By-law No. 769 of the Municipal Corporation of the Township of Etobicoke, and the agreement therein referred to, set forth in the Schedule hereto, are hereby confirmed and declared to confer the rights thereby purporting to be conferred, and to be valid and binding upon the parties thereto and the ratepayers of the municipality, and the council of the said municipality is hereby authorized from time to time to pass by-laws pursuant to the terms of the said agreement.

SCHEDULE.

BY-LAW No. 769.

A By-law in reference to the Toronto Suburban Railway Company.

Passed the 4th day of March, 1902.

Be it enacted by the Municipal Corporation of the Township of Etobicoke as follows :—

1. That the reeve and clerk be, and they are hereby authorized, under the seal of the corporation, to enter into the agreement with the Toronto Suburban Railway Company, a copy of which is hereto attached.

2. That the corporation, in so far as it has power and jurisdiction so to do, doth hereby grant unto the Toronto Suburban Railway Company, its successors and assigns, for the periods set forth in the agreement hereto attached, the exclusive right to construct, maintain and operate its railway with the necessary switches, sidings and turnouts, and to erect and maintain such poles and wires as may be necessary for the transmission of electricity upon and along the street known as Dundas Street, commencing at the easterly limit of the said township at Lambton Mills; thence westerly along the said Dundas Street as travelled as a public road to the westerly limit of the Township of Etobicoke, according to the terms set forth in the said agreement.

3. The property of the said company and the income derived therefrom shall be exempt from general taxation for a period of ten years from the 1st day of September, 1902.

Enacted and passed in council this 4th day of March, 1902.

(Sgd.), JOHN BRYANS, Reeve.
JOHN A. L. MACPHERSON, Clerk.

I certify the above to be a true and correct copy of By-law No. 769 of the Township of Etobicoke.

JOHN A. L. MACPHERSON, Clerk.

Islington, March 5, 1902.

This Indenture made in duplicate the fourth day of March in the year of our Lord one thousand nine hundred and two, between the municipal corporation of the Township of Etobicoke, hereinafter called "the township," of the first part; and The Toronto Suburban Railway Company, hereinafter called "the company," of the second part.

Whereas the company has applied to the township for permission to construct, maintain and operate a single track surface electric railway line upon and along the following road and way in the Township of Etobicoke, namely :—Upon and along the road known as Dundas street commencing at the eastern limit of the said township at Lambton Mills, then westerly along the said Dundas street as travelled as a public road to the western limit of the said township.

And whereas the said township is willing to grant such permission upon and subject to the terms of the company's charter and Acts amending and changing the same and subject to the terms and conditions hereinafter set forth, and the company and the township have agreed to enter into an agreement with each other in respect thereto.

It is hereby understood and agreed that wherever used in this agreement "the township" and "the company" shall be deemed to apply and extend to the successors and assigns of the parties hereto respectively.

Now

Now this indenture witnesseth that the parties hereto have covenanted and agreed and by these presents do covenant and agree, subject as aforesaid each with the other of them, as follows:—

1. The company shall have and it is hereby given the privilege, right, franchise and authority in so far only as the Township has the jurisdiction to grant the same, to lay down, construct, equip, maintain, complete and operate, and from time to time renew and repair a single track surface electric railway upon and along the street above described, and subject to the conditions herein contained and not otherwise.

2. The company for the purpose of building, maintaining and operating its railway may:—

(a) Lay down such tracks, rails, cables, conduits, superstructures and substructures upon and along the street above described as may be necessary for the company's single track electric surface railway under this agreement, but may not raise or lower the grade of any portions or portion of the said street of the said Township without first obtaining the consent of the Township Council thereto.

(b) Construct and maintain subject as hereinafter mentioned such poles, wires, substructures, and superstructures as may be necessary upon, over, under and along the said street for the purpose of carrying wires and conducting electricity, and supporting the necessary appliances for operating and maintaining the company's railway, but such wires when carried above ground shall not be strung at a less height than fourteen feet above the top of the rail.

(c) Construct and maintain and from time to time repair and enlarge all such works and all such stations, buildings, platforms and conveniences, and construct, put in and maintain such culverts, switches, tracks, turnouts, and sidings subject as hereinafter mentioned, as may from time to time be found necessary for the building, maintaining and operating of the company's railway, or for the purpose of leading to or from any track allowance or rights of way of the company on lands adjacent to Dundas Street aforesaid where the company's railway deflects from or runs otherwise than on Dundas Street, or to the company's power house or car sheds, and the company may from time to time subject as hereinafter mentioned alter the location of such culverts, switches, tracks, turnouts and sidings, but no culvert, turnout or siding shall be constructed or altered by the company without providing a proper outlet for water approved by the township engineer.

3. All work done under the authority of this agreement whether so specified in the agreement or not shall be done in a good workmanlike and proper manner according to the then best existing modern practice and under and subject to the supervision and approval of the township engineer.

4. The tracks of the company shall be of the same gauge as the present gauge of the company's tracks or such gauge as is hereinafter provided for and the rails shall be of rolled steel weighing not less than fifty-six pounds to the yard and of the "T" pattern, and the rolling stock and attachments to such rolling stock, including fenders, and the works of the company shall be constructed and maintained in the most modern style and according to the best modern practice and suitable and convenient and with due regard to the safety of the public and for the purposes for which said railway is operated.

5. The tracks and rails of the company laid on any portion of the travelled street or road shall conform to the grade of the street, road or highway upon which it is placed and the top of the rails shall be laid level or nearly level with the crown of the street, road or highway and so as to cause the least possible impediment to the ordinary traffic of the street, road or highway and when so laid on the travelled portion of the street, road or highway the space between the rails and eighteen inches on each side of the rails shall be filled in with gravel, cinders or other suitable material and when not on the travelled portion of the highway between
the

the rails shall be crowned transversely and the whole roadbed within the township shall be well ballasted with suitable material and the company shall thereafter keep such tracks, roadbed, ballasting, crowning and filling-in, in good order and repair and at each intersection of the company's railway and cross streets or highways and at every private and public crossing, whether now established or which may hereafter at any time be required, the company shall construct and keep in good repair good and sufficient crossings wherever requisite or necessary and shall, subject to the approval of the township council being first had and obtained, provide, extend and maintain such culverts, drains, waterways and ditches with proper outlets as are now or may hereafter at any time be found necessary and upon the re-construction or necessary maintenance of any existing culverts, drains, waterways and ditches, the same shall to the extent of the company's tracks and for eighteen inches on each side thereof be done by and at the expense of the company and where new culverts are rendered necessary by the company's works, the company shall at its own expense, construct and maintain in good repair at its own expense all such new culverts, drains, ditches and waterways. The company shall before operating said railway erect and maintain at least three suitable shelters on or along such of the company's right of way in the said township for the protection of passengers or travellers, such shelters to be placed at such points as the Township Council may direct.

7. The company may at any time construct or change the gauge of its tracks to such gauge as is now or may be hereafter adopted as a standard electric railway gauge or to such other gauge as may be in use on the street railways or tramways in the City of Toronto and may with the consent of the township council change the nature or style of the rails and all such changes, alterations or alteration shall be made in a proper, substantial and workmanlike manner and according to the then best modern practice and the building, constructing and operating of the said railway and the making of such changes or alterations shall not unnecessarily or vexatiously interfere with the public travel on the said street.

8. The construction and operation of the proposed line of railway on the said street shall not (and this shall be deemed to be a condition precedent) be made until such plans thereof approved of by the Township Council and engineer showing the positions of the tracks, turnouts, switches and sidings upon said streets, roads and highways shall have been submitted to and approved of by the township engineer and council and a certified copy thereof duly filed with the clerk of the township.

9. If the Township Council shall at any time or times desire to alter the grade or otherwise improve or repair any portion or portions of the said street upon which the company may have constructed its rails, roadbed or any part thereof or for the purpose of repairing drains, culverts, crossings or doing any public work or for taking up or laying down any gas, water or other pipes or mains or for any other purpose which now is or may hereafter be within the province and privilege of the municipal corporation or of its licensee, and if the township or its licensee shall require to take up part or parts of the street used under the terms hereof the township council shall give to the company seven days previous written notice of such desire and what they require to be done, and the company shall within said time observe such requirements and shall remove such necessary part of their track, roadbed, poles and other works and replace and restore the same and the township will within a reasonable time pay to the company the actual cost of such removing, replacing and restoring aforesaid and the company shall not be entitled to any further compensation for any damage which may have been occasioned thereby; and the township agrees with the company that the township's work or the work of its licensee in the premises shall be begun, continued and completed with all due speed and diligence and with due regard to the convenience and workings of the company. The company and the Township Council may by mutual agreement join in the work of altering from time to time any grade or grades of any of the streets, roads or highways and in case they shall so agree then the one doing

doing the work shall be reimbursed by the other its proper proportion of the actual cost of such work and the actual cost thereof shall be, in case of dispute, ascertained by the senior judge of the county court of the County of York under *The Arbitration Act* R. S. O. (1897) cap. 62 and amending Acts.

10. The company may, at its own expense, and upon providing suitable outlets, upon first having obtained the consent of the township council thereto, construct new culverts for its own and the public use under the said street but the maintenance of any such new culverts shall be by and at the expense of the company and the construction of any such new culverts and outlets or the use or misuse of any of the now existing or any future culverts shall not be in such a manner as to damage adjoining owners or their properties.

11. Where the companies tracks are laid upon or along the travelled part of any street road or highway persons or vehicles shall be allowed upon the same and the wheels of vehicles shall be allowed upon the company's rails without any charge or hindrance of the company or any person claiming through or by or under them, excepting however that the cars and motors of the company shall have the first right of way and no vehicle or persons travelling thereon shall impede the operation of the cars or motors of the company and the township agrees to the extent of its powers in that behalf on demand by the company, to pass any by-law or by-laws which may be necessary to enforce the provisions of this section.

12. The company shall and will at all times hold, save and keep harmless and indemnified the township from and against all expenses which the township may pay, incur or be put to by reason of the construction and of the operating of the railway and premises and from all damages, liabilities, actions, causes of action, suits, claims and demands for injuries to persons or property or for causing the death or injury of any person or for any other thing in the construction, operation or management of the railway or by reason thereof or of the existence of the company's rails or plant upon the public highway or for any breach by the company of this contract.

13. That after the construction of the railway it shall not be in active operation within the township until it has been first inspected and its roadbed, appliances, switches, turnouts and crossings upon the said roads, streets and highways within the township shall have been first inspected and approved of in writing by the railway inspector or other official appointed or who may be appointed to inspect railways under the provisions of *The Railway Act of Ontario*, *The Electric Railway Act* or under any other Act relating thereto or by the township engineer and township council.

14. The company shall on or before the 1st day of September, 1902, commence the construction of the company's track, plant and works within the township, and shall complete the same with all due diligence and speed and have the same ready for operation as a single through track line of railway connecting with the company's present system, and suitable and in proper condition for the due carrying of passengers and freight on or before the 1st day of September, 1903, and upon and across the whole width from the eastern to the western limits of the said township. In the event of the company failing to construct and operate such single track through line within the time above limited, then the Township Council may, upon giving to the company sixty days previous notice in writing requiring them to complete and operate the said railway within a certain period to be fixed by the said Township Council (such period, however, not to be less than sixty days from the date of giving of such notice, and shall not be given before the expiration of the time for completion hereunder) the Township Council may at its option pass a by-law declaring this agreement null and void, and thereupon this agreement and all rights and privileges hereunder shall stand annulled and cancelled
and

and of no effect. Provided however that if from any act beyond the company's control the company is unable to have the said line completed and in operation within the time above limited, and has, in the opinion of the Township Council, used and shall have used all due diligence to have the said tracks completed as aforesaid, then the Township Council shall give a reasonable extension of time for the completion and operation of the said line of railway, and so from time to time as may be determined upon. Provided further that the Township Council may for any cause, upon the recommendation of the Township Engineer extend from time to time the time for such completion and operation.

15. That the company shall on and after the 1st day of September, 1903, operate its passenger cars between the said eastern and western limits of the township and connected with the other portions of the company's system, giving a regular daily service of four cars per day each way and at such convenient times as best suits the public convenience and so as to best meet the wants of the residents and others desiring to use the said railway and the company shall from time to time as may be required as aforesaid increase the accommodation for the public.

16. The speed of cars upon such street shall not in any case exceed twenty-five miles per hour and each car shall be numbered and identified by large figures.

17. Passenger car conductors, motormen and other like servants of the company shall be dressed in uniform with numbered badges exhibited conspicuously and the conductors shall clearly announce the names of streets and locations, cross streets and public places as the company's cars reach or approach the same and passengers shall not be compellable to pay fares to any one other than to an officer or servant of the company displaying the company's numbered badge.

18. The company may use its tracks and rolling stock for the conveyance of passengers, freight, goods, merchandise, mail and express matter.

19. The company's passenger cars shall stop to take on and let off passengers at such convenient points as may from time to time reasonably be directed by the Township Council.

20 Subject to the provisions of 1 Edward VII., chapter 91, the rates of fares and passenger rates shall be as hereinafter mentioned or as may be hereinafter mutually agreed upon.

21. The company shall have the right to remove from its track allowance all accumulations of ice and snow, provided however that any snow or ice shall not be placed upon the street so as to constitute a danger to the travelling public or other persons using such street in such a manner as streets, roads or highways are ordinarily used and all such snow and ice if removed from the company's tracks shall, if placed upon the public highway be spread evenly thereon.

22. The plans of alignment, grades and cross-sections of the grades shall be shewn upon the company's plan for deposit with the township clerk as above mentioned and shall be first approved of by the Township Council.

23. In the event of the company neglecting to keep its track, track allowance, crossings, grades, plant, buildings and other works upon the said street in good condition according to the terms and true intent hereof or to make all necessary repairs, renewals, amendments or betterments, the township may give one month's notice in writing setting out specifically what is required in the nature of repairs, renewals, amendments and betterments and if after the expiration of the said notice the said repairs, renewals, amendments and betterments are not made the township may make such repairs, renewals, amendments and betterments and for that purpose may enter in and upon the company's tracks, track allowance, ways, buildings and works and all expenses, costs and charges paid or incurred by the township shall be forthwith paid to the township by the company

company and shall be a charge upon the company's undertaking subject to any bonded indebtedness.

24. Subject to the terms hereof and in so far as the terms are not inconsistent herewith, the said company shall be subject at all times hereafter to its Charter, Acts of incorporation and other Act of the Legislature relating thereto and to all by-laws which now are or may hereafter be in force in said township respecting highways so far as the nature of the case will admit.

25. All the property, assets and undertaking of the company and its income within the township shall be exempt from the township rate of taxation but not from any school rate for a period of ten years from the 1st day of January 1903. Provided that if the said railway is not completed and in operation under the terms hereof on the 1st September 1903, then the township may assess the works and undertakings of the company within the township until its completion and operation and the township agrees to pass a by-law in pursuance hereof.

26. The company hereby agrees to pay to the township all the fees, charges and expenses of the township engineer for all services performed by him in supervising and services performed or to be performed under the terms hereof,

27. The privileges granted by this agreement hereunder are the exclusive right (subject to any general legislation however which may be hereafter enacted and which may give other companies running rights over the company's tracks) to build, maintain and operate the undertaking of the company in, over and along the street aforesaid for the period of thirty years from the first day of September, 1902, and shall be renewed at the expiration thereof and of each successive future term for the period of twenty years for each renewal upon such terms and subject to such conditions as shall from time to time be mutually agreed upon or as may be determined by arbitration by a single arbitrator to be held under *The Arbitration Act R. S. O., cap. 62*, and any amendments thereto.

28. The rates of fare shall be as follows :—

CASH FARES—To or from any point between Keele Street and Church Street, Lambton Mills, five cents; between Church Street, Lambton Mills and Woods' Corners, Islington, five cents, and between Woods' Corners, Islington, and western township limits, Summerville, five cents.

TICKETS—Twenty-five tickets between Keele Street and Church Street, Lambton Mills, one dollar; twenty-five tickets between Keele Street and Woods' Corners, Islington, one dollar and fifty cents, and twenty-five tickets between Keele Street and western township limits, Summerville, two dollars.

The tickets shall be issued only for the use of the person named therein or any of his family, and shall not be good when detached from the book containing the same, and shall be unlimited as to time of user.

School children shall be entitled to return tickets at a rate not exceeding one single cash fare.

29. The company hereby agrees to construct, maintain and operate its undertakings hereunder in the manner and subject to the terms and upon the conditions in this agreement set out, and will faithfully do, perform, fulfil and keep all the conditions, covenants, provisos and agreements herein expressed and contained on the company's part to be done, performed, fulfilled and kept, and it is the spirit and intention hereof to provide in every respect for a first-class single track surface electric railway, and that no omission of specific requirements to this effect shall in any case be construed in any way to invalidate this general requirement or to excuse the non-performance of any duty on the part of the company.

30. The company may erect poles and wires and other necessary modern appliances on Dundas Street and other highways in the Township of Etobicoke for the supply of electricity for light, heat and power, and may
also

also erect poles, wires and modern appliances for the purpose of a telephone or telegraph system on Dundas Street; but these privileges shall not in any sense be deemed an exclusive privilege, and all other companies or individuals operating or desiring to operate plants for light, heat and power, telephone and telegraph systems may have equal or greater powers or privileges granted them in this respect, and the company shall not be entitled to any compensation or damage for any lawful and reasonable interference with any light, heat and power, telephone or telegraph plant and appliances or anything connected therewith.

31. It is further understood and agreed that if at any time during the currency hereof, or of any renewal hereof, the said railway shall cease to be operated for a period of six months then the Township Council may, upon giving sixty days previous notice in writing to the company, enter in and upon the company's tracks upon the road, street and highway of the township and convert the same to the township's own use and benefit without being liable or accountable to the company therefor or for any part thereof.

32. The company may during the continuance of this agreement or any renewal thereof, operate the said undertakings by any improved system of propulsion other than the trolley system, upon first having obtained the consent thereto of the Township Council, but in no case shall the company be deemed to be empowered to use steam as a motive power.

33. In the event of any difference arising between the company and the township in regard to the construction of any one or more of the terms hereof, or as to any act or thing to be made or done in pursuance hereof, or in regard to the rights or liabilities of either of the parties hereunder, or as to the meaning or construction of this agreement or any part or parts thereof from time to time such difference or differences shall from time to time be referred for determination under the provisions of *The Arbitration Act*, R.S.O. (1897), cap. 62, and amending Acts, to a single arbitrator who shall determine both the law and the facts, and an appeal from the decision of the said arbitrator shall lie to the High Court of Justice in the Province of Ontario, or to the Court of Appeal for Ontario, but no further or other appeal shall be had or lie from the decision of the High Court of Justice or from the judgment of the Court of Appeal as the case may be.

34. In regard to any works to be made, done or performed under the terms hereof, the township and its officer and engineer shall not arbitrarily, vexatiously or unwarrantably withhold the granting of any certificates or approval required under the provisions hereof and the township and its officers and engineer shall in all respects and in so far as is consistent with its and their duty, facilitate the company in carrying out the provisions hereof.

35. In the event of any portion of the said street at any point or points being of insufficient width to allow, after allowing ample room for the ordinary highway traffic, of the laying of the company's tracks thereon under the terms hereof, then the company shall provide at its own expense private right of way or additional width of roadway upon which the company's tracks shall be laid or if the company shall lay its rails upon any portion of the said street and it shall thereafter be found that owing to the narrowness of any portion of the said street or from any other cause the balance of the roadway is not amply sufficient for the purposes of the general public, that the company shall at its own expense as aforesaid, change its location or obtain, build and provide additional roadway for the use of the public and shall make it safe and convenient for the public use. In the event of default hereunder the township may do the same and charge all costs, charges and expenses thereof to the company and all moneys paid or expense incurred for damages, costs, charges and expenses shall be forthwith repaid by the company to the township and shall be a lien upon the company's undertaking subject to the bonded indebtedness.

36. The company shall not under the provisions hereof be deemed to have any power to lay its tracks on any portion of the public streets, roads or

or highways for the purpose of crossing on any public bridge or bridges whether such bridge or bridges is or are the property of the township or of the county.

37. The company shall not place poles, structures or appliances upon such said street in such a position as would interfere with intersecting streets, roads or highways in the event of any other streets, roads or highways being opened up, established or dedicated, then all poles, structures and other obstructions interfering with the free use of such intersecting highways whether now existing or which may hereafter be opened up or dedicated shall at once be removed therefrom by and at the expense of the company.

38. That every switch shall be of such design that if left open or placed wrong cannot make a break in the line of the running track of the railway or offer any impediment which may cause the derailment of any passing car.

39. The company hereby agrees upon the installation or operation by the company of an electric lighting plant for the supply of light in or along Dundas street in the Township that it will supply and deliver to the said township free of charge, for a period of ten years from the time of the installation or operation thereof, at the municipal hall in the Village of Islington a sufficient current or supply of electricity to properly and efficiently light the said hall when reasonably required under the direction of the Township Council.

40. That subject to any Dominion or Ontario Provincial Act applicable thereto, all frogs shall be safely and securely packed with suitable material as provided in section 3 of cap. 266 R.S.O. (1897.)

In witness whereof the said township has caused its corporate seal to be hereunto affixed, and the reeve and clerk have set their respective hands, and the said company has signed, sealed and delivered this indenture the day and year first above mentioned, and the vice-president and secretary thereof have set their respective hands on behalf of the said company

Signed, sealed and delivered in the presence of

J. D. MONTGOMERY.

JOHN BRYANS,

Reeve.

JOHN A. L. MACPHERSON,

Clerk.

ALLAN H. ROYCE,

Vice-President.

R. B. HENDERSON,

Secretary.

Seal.

Seal.

CHAPTER 49.

An Act respecting the Town of Fort William, 1902.

Assented to 17th March, 1902.

WHEREAS the Council of the Corporation of the Town of Preamble.
Fort William has by petition represented that since the incorporation of the said town various irregularities and failures to comply with the provisions of *The Assessment Act* have occurred in the assessing and levying of the taxes of such town, and that in consequence thereof and recent decisions of the courts the said town has had great difficulty in collecting its taxes, and has prayed that all assessment rolls of the said town heretofore revised and all collectors' rolls heretofore returned and all collectors' returns heretofore made, and all sales of lands within the said town made prior to the 1st day of January, 1901, and purporting to be for arrears of taxes should be confirmed and no objection has been made thereto by any ratepayer; and whereas the said council has further prayed by its petition that *An Act respecting the Town of Fort William, 1900*, should be amended by computing the time for the performance of any act on the part of The Mattawin Iron Mining Company, Limited, under agreements set out in Schedules D and E of such Act, from the 30th day of October, 1901, instead of as therein mentioned; and whereas the said council has further represented by its petition that it has a floating indebtedness of about \$17,000 made up as set out in the by-law hereinafter mentioned, and that such by-law was duly submitted to the qualified ratepayers of said town entitled to vote thereon on the 5th day of January, 1902, and there were 273 votes polled in favour thereof and 51 votes polled against the same, and that for the reasons set forth in such by-law the said council and the ratepayers thereof deem it expedient to consolidate and issue debentures for such floating debt, and have prayed that such by-law being By-law No. 287 of the said town, intituled "A by-law to consolidate the floating indebtedness of the Corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" (a copy of which by-law is set out in Schedule A to this Act) should be confirmed; and whereas the said council has further represented by its petition that its contract with Edward Spencer Jenison, set out in Schedule A to the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, second session, chaptered 120, has lapsed by reason of the default of the said Jenison thereunder, and that no agreement other than that contained therein has been made or entered into

into with the said Jenison, and the said town requires a water supply as well as more power to run its electric lighting and waterworks plants; and whereas it is desirable that the said town should possess the rights to develop 10,000 horse power of electric energy or power at or near Kakabeka Falls and to divert the waters of the Kaministiquia River above said falls necessary for such development, and has prayed for the special enactments in that behalf hereinafter contained; and whereas it is expedient to grant the prayer of the said petition

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment
rolls
confirmed.

1. All assessment rolls of said town heretofore finally revised, all collectors' rolls of the said town heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed, notwithstanding any irregularity, fault or omission in the said assessments, collector's rolls or collector's returns or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

Tax sales
confirmed.

2.—(1) All sales of land within the said town made before the 1st day of November, 1900, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessments, or any other proceedings, for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act*, or of any Act or Acts amending the same in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said town, or in regard to the furnishing, authenticating or depositing of any list of lands in arrear for taxes within the said town, or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about the said sale on the part of any official of the said town, and notwithstanding anything to the contrary in any of the said Acts contained.

(2) The owner of any land sold at the annual tax sale held in the year 1900, or his executors, administrators or assigns may at any time within twelve months from the passing of this Act redeem the land sold by paying or tendering to the town treasurer for the use and benefit of the purchaser or his legal representative, the sum paid by him together with ten per centum thereon; or in the event of the lands so sold having been purchased by the town by paying or tendering to the

the said treasurer the full amount of the taxes due, together with the expenses of sale, and the treasurer shall give to the person paying such redemption money a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

(3) Any lands within the said town which, at any sale for arrears of taxes heretofore have been, or hereafter may be bought in by or for the said town shall be liable to be assessed for and charged with payment of all debenture, local improvement, school and general rates within the said town in the same manner and to the same extent in every respect as if the said lands did not belong to a municipal corporation.

3. The provisions of section 1 and section 2 of this Act shall not affect any action, matter or other proceeding now pending, but every such action, matter or other proceeding shall be proceeded with and heard and determined as if the said sections had not been passed. Existing litigation not affected.

4. The Corporation of the Town of Fort William is hereby empowered to extend the time fixed in the by-law and agreement between the town and The Mattawin Iron Mining Company, Limited, set out in Schedule D of *An Act respecting the Town of Fort William, 1900*, for the doing of anything, or the performance of any act on the part of the company, or on the part of the corporation, so that such time shall be computed from the 30th day of October, 1901, instead of from the time of the passing of *An Act respecting the Town of Fort William, 1900*; and the said agreement, together with by-law No. 227, printed in said schedule, is hereby amended accordingly, and as so amended shall be read as and form part of such special Act as if such amendments were incorporated therein at the time of passing of such special Act. Computation of time under Mattawin Iron Mining Company's agreement.

5. The Corporation of the Town of Fort William is hereby authorized to enter into the agreement set out in Schedule B to this Act, amending as therein set out the agreement printed in Schedule D of *An Act respecting the Town of Fort William, 1900*; and the said amending agreement shall be read with and form part of the agreement set out in such Schedule D, and shall be so read and construed. Amending agreement authorized.

6. The said corporation is hereby declared to have had power to pass by-law No. 287 of said town, intituled "A by-law to consolidate the floating indebtedness of the Corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor" and which is fully set forth in Schedule A hereto, and said by-law is hereby declared to be a valid, legal and existing by-law of the said corporation, and all debentures issued or to be issued thereunder shall be binding upon the said corporation and the rate-payers thereof. By-law No. 287 to consolidate debt of town confirmed.

Application of
debentures.

7. The said debentures and all monies arising therefrom shall be applied by the said corporation in the repayment of the floating debt of \$17,000 aforesaid, and in and for no other purpose whatsoever.

Treasurer to
keep account
of consoli-
dated debt.

8. It shall be the duty of the treasurer of said town from time to time to keep and it shall be the duty of each of the members from time to time of the municipal council of the said corporation to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under such by-law and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures issued or to be issued under the provisions of the said by-law and this Act.

Indebtedness
of town not
discharged.

9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Fort William or from any indebtedness or liability which may not be included in the said floating debt of the said town.

Rights of
town not
prejudiced.

10. Nothing in the said by-law, or the provisions of sections 6 to 9, both inclusive, of this Act, shall be held or taken in any way to prejudice the right of the said corporation to collect, or realize by process of law or otherwise, any of the assets of the said town referred to in such by-law, or any securities incidental thereto, nor to discharge any person, party, or corporation, or from any indebtedness or liability therefor to the said corporation.

Application of
proceeds of
sales of town
assets.

11. All monies realized by the said corporation from any of the assets of the said corporation referred to in such by-law shall, after deducting all proper costs, charges and expenses incurred in the collection or realization of the same, be credited to and applied in repayment of the debentures issued under the said by-law and this Act and for no other purpose whatsoever, and at the first period thereafter for levying and raising the yearly sum of \$1,306.89 as provided in the said by-law for the repayment of the principal and interest in twenty years, so much thereof only shall be raised and levied as is necessary, after crediting and applying from time to time the monies aforesaid in and towards payment thereof.

By-Laws Nos.
273 and 274
validated.

12. Notwithstanding anything in *The Municipal Act* contained the by-laws numbered 273 and 274 of the said Town of

of Fort William shall not be deemed to be invalid or illegal, nor shall the debentures issued or to be issued under the said by-laws, or either of them, be invalid or illegal by reason of the said by-laws or either of them containing a provision that the debentures issued thereunder shall be payable "after the expiration of 20 years," instead of in accordance with the terms of *The Municipal Act*, and the said debentures shall be read and construed as though they were made payable within twenty years from the passing of the said by-law.

13. The Corporation of the Town of Fort William is hereby empowered and authorized to develop at or near the Kakebeka Falls, on the Kaministiquia River, electrical power to the extent of 10,000 horse-power of electrical energy, and for such purpose to create by storage dams or other necessary works reservoirs at or near Shebandowan Lake at the head of the Shebandowan River and at or near Dog Lake at the head of the Kaministiquia River or at any other points on said river or other rivers or lakes emptying into the Kaministiquia River above said falls, and to divert such water from the Kaministiquia river above said Kakebeka Falls, as shall be necessary for such development, returning the same to the river again above or below said Kakebeka Falls, and for such diversion are hereby empowered to cut, dig, build and erect all dams, canals, tunnels and other works and improvements necessary therefor as well as for such development.

Development
of Kakebeka
Falls water
power.

14. The said corporation is hereby empowered and authorized to acquire, appropriate, have, hold and enjoy all lands necessary for such development and diversion and for the works, machinery and plant in connection therewith.

Power to ac-
quire lands.

15. Sections 3, 6, 7, 8, 9 and 10 of *The Municipal Water Works Act* shall be read into and form part of this Act as if incorporated herein.

Rev. Stat.
c. 235, ss. 3, 6,
7, 8, 9, 10 to
apply.

16. The said corporation may cut, dig, tunnel, make, erect and maintain in and upon said lands, canals, tunnels, dams, works, machinery and plant, requisite for the undertaking, as well as for conveying the said electrical power or energy thereto and therefrom, in, upon, through and over any lands lying intermediate between the said source of supply and place of development and the said town, by one or more lines of poles, wires and rods as may from time to time be found necessary.

Construction
of works to
convey water
from sources
of supply.

17.—(1) The said corporation, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may erect the said poles, wires and rods through and over the same, and in, upon, through, over and under the highways, streets, lanes, roads or

Right to enter
on lands.

other passages within the said town, or lying intermediate, said place of development and the said municipality, and in, upon, through, over and under the lands and premises of any person within the said town.

(2). All lands, not being the property of the said town, and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without delay.

(3). The said town may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said town may think necessary and proper for the making and maintaining of the said works, and for the purchasing of any lands required for the protection of the said works or for taking up, removing or altering the same, and for distributing such electrical power or energy to the purchasers thereof within the said town or otherwise, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same pass.

Conveying
power through
other lands.

18. For the purpose of distributing the electrical power or energy as aforesaid, the said corporation may cut, dig and erect poles, wires, conduits and other contrivances necessary for conveying such power and may from time to time alter all or any of the said works, as well in the position as in the construction thereof as they may consider advisable.

Expropriation
and arbitra-
tion.

19. The corporation shall have, for the purposes of carrying out the undertaking of developing 10,000 electrical horse power as aforesaid, or any part or parts of such power, and of conveying such power as said Town of Fort William may desire, all necessary powers as to entering upon and taking lands to be exercised by the said corporation in the manner, and as provided for the exercise of such powers when conferred by *The Municipal Act* and by section 20 of *The Railway Act of Ontario*, and in the exercise of such powers, shall do as little damage as may be, and shall make reasonable and adequate satisfaction to the proprietors and others, whose property is entered upon, taken, or used by the corporation, or injuriously affected by the exercise of its powers, to be ascertained as provided by *The Municipal Act*, for like cases.

Works vested
in corpora-
tions.

20. All canals, dams, tunnels, machinery plant and other works requisite for the undertaking shall likewise be vested in and be the property of the said corporation.

Power to
lease or sell
electric power
and to borrow
money.

21. The said corporation is hereby empowered to lease, sell and otherwise deal with such electrical power or energy with any person, party or corporation desiring same upon such terms as such corporation deems meet, and is empowered to borrow money on the credit of the municipality for carrying out and exercising the powers conferred by this Act in the same

same manner and subject to same provisions as if such undertaking was within the powers exerciseable by such corporation under *The Municipal Act*, and the said canals, dams, tunnels, machinery, plant and other works necessary for the undertaking or used in connection therewith, and also the lands acquired for the purpose thereof, and every other matter and thing connected therewith shall be specially charged with the repayment of any sum or sums which may be borrowed by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, canals, dams tunnels, machinery, plant and other works, and the property appertaining thereto, for securing the payment of the debentures and interest thereon.

22. The powers conferred upon the corporation hereby shall not be construed as being exhausted by any partial exercise thereof, but such powers may from time to time be exercised until the said corporation has developed electrical power to the extent of 10,000 horse power of electrical energy. Partial exercise of powers.

23. The rights and privileges conferred by this Act or by any lease or grant by the Crown to the said corporation or both shall supersede and have priority over those of the said Edward Spencer Jenison, whether conferred by any Act or Acts of this Legislature or otherwise, and all and every Act or Acts of the Legislature conferring any right or privilege upon the said Edward Spencer Jenison is and are repealed; and the Corporation of the Town of Fort William shall not be liable to the said Jenison for any act done or authorized to be done under the provisions of this Act but shall be liable to him for the reasonable value of such lands heretofore patented, purchased and expropriated by the said Jenison in connection with the said enterprise within one mile of Ecarte Rapids or Kakabeka Falls, and for the reasonable value of the plans and surveys as may be found to be of benefit, and such other work of construction as has been done by the said Jenison, and on payment of the sum so found into court the said lands, works and surveys shall become the absolute property of the said corporation or its assigns. Any lands so acquired by the said corporation not reserved for the purposes of the undertaking may be sold by the said corporation. Certain Acts repealed.
Compensation

24. The compensation to be paid as aforesaid shall be ascertained and determined in the manner provided by section 20 of *The Railway Act of Ontario*, all the provisions of which section are hereby incorporated with and made part of this Act; and the said Town of Fort William shall have the right, for the purpose of constructing, maintaining and operating the said works to exercise the powers conferred by the said section 20 upon any railway company to which the provisions of the said section may be applicable, and the said town shall be subject Arbitration.

subject to all the liabilities imposed by the said section upon any such company and generally the several subsections of the said section 20 shall be read as a part of this Act with the several amendments necessary to make the same applicable to the said town and the said works instead of to a railway company as its railway, and in any arbitration under the provisions thereof, the arbitrators shall not make any allowance to the said Jenison in the respect of any right to generate electrical power or to supply water or in respect of his franchises therefor or for prospective profits.

Agreement
with Kaka-
beka Falls
Company
ratified.

25. The agreement bearing date the 11th day of March, A.D. 1902, between the Corporation of the Town of Fort William and The Kakabeka Falls Land and Electric Company, Limited, executed by the solicitors of the respective parties thereto, which is set forth in schedule C hereto, is declared to be valid and to be binding upon the said corporation and the said company, and the terms thereof are hereby incorporated in and made a part of this Act.

Request of
Port Arthur.

26.—(1) The Corporation of the Town of Fort William shall upon request from the Corporation of the Town of Port Arthur, supply the said corporation, and the said corporation shall be entitled to obtain surplus electric power or energy for municipal, domestic, commercial or other purposes over and above the amount from time to time required by the said Town of Fort William for any purpose at such prices and upon such terms and conditions as may be agreed upon by the said corporations, or in default of agreement, as may be settled and determined by the Lieutenant-Governor in Council.

Referred to
Lieutenant
Governor in
Council.

(2) In case the Corporation of the Town of Fort William has not developed sufficient surplus electric power or energy over and above the amount from time to time required by said town for any purpose to supply the demand of Port Arthur for all or any of the purposes aforesaid, the Corporation of the Town of Port Arthur shall be entitled from time to time to apply to the Lieutenant-Governor in Council for an order or direction, that the Corporation of the Town of Fort William develop further electric power or energy, and the said Corporation shall develop such further electric power or energy, not exceeding the whole amount authorized, upon such terms and conditions as the Lieutenant Governor in Council may determine and supply the surplus thereof over and above the amount from time to time required by said town for any purpose to the extent asked by Port Arthur at such prices and upon such terms and conditions as may be agreed upon between the said corporations or in default of agreement as the Lieutenant Governor in Council may fix and determine.

(3) The Lieutenant-Governor in Council may authorize and direct the transmission of said power by any route and by any method or appliances.

27. Should the Town of Fort William or its assigns not commence the work of construction hereby authorized before the expiration of two years after the thirtieth day of October, 1902, or shall not have developed power for the purposes of the Town of Fort William before the expiration of three years from said date, then the Town of Port Arthur may upon paying the Town of Fort William the amount of money the said Town of Fort William shall have expended in respect of this legislation and of any arbitration or other proceedings had or taken thereunder, or otherwise in connection therewith and the value of plans, surveys, works, land and other properties done or owned by the said Town of Fort William in connection with the said development, such value in case of disagreement to be arrived at by arbitration as provided by this Act, develop such powers under the terms and conditions now conferred and imposed upon the Town of Fort William.

Rights of
Town of Port
Arthur on
default of
Fort William.

28. In the event of the Town of Fort William or its assigns making default and the Town of Port Arthur becoming entitled to develop power hereunder, the said Town of Port Arthur or its assigns shall commence the work of construction within two years after obtaining such rights and the possession of such lands and properties and shall complete the development of power as required in the case of the Town of Fort William within three years after obtaining such rights and the possession of such lands and properties as aforesaid, and in default thereof the powers of development conferred by this Act upon the Town of Port Arthur shall cease and determine.

Time for com-
mencement of
work by Port
Arthur.

29. In case power is developed by the Town of Port Arthur or its assigns, then the Town of Fort William shall be entitled to, and have the benefit of all provisions of this Act conferring any right or privilege upon the Town of Port Arthur in the case of development by the Town of Fort William.

Rights of Fort
William if
Port Arthur
develops
power.

30. The plans for the development of the water power and the construction of the works, as provided in this Act, shall be subject to the approval of the Commissioner of Crown Lands, and the same shall be submitted to the Commissioner of Crown Lands and be approved of by him before the work of construction is commenced.

Approval of
plans by Com-
missioner of
Crown Lands.

31. In the event of the waters of the Kaministiquia River formerly divertible by the said Edward Spencer Jenison, as provided in the statutes of the Province of Ontario, known as 62 Victoria, Chapter 120, being left to flow over the Kakabeka Falls on the said river; or in the event of the waters of the said river, if intersected at the Ecarte Rapids, being returned to the river above the said Kakabeka Falls, the rights of Port Arthur and of Fort William to acquire or be supplied with electric power or energy to the extent of 10,000 horse power, shall continue in and apply to the said water power at the

Rights in
water power
at Kakabeka
Falls.

the said Kabakeka Falls, and the said towns shall without any preference or priority as between them be entitled to such supply from any corporation, person or company developing or utilizing the same on the terms provided in clause 26 of this Act and the said person, company or corporation so developing or utilizing shall supply the same on the terms aforesaid, and in case of development of the said power by the Town of Port Arthur under the provisions of this Act the said town shall return the said water to the said river above the Kabakeka Falls.

Right of Port
Arthur to
assign.

32. The Town of Port Arthur shall have the same rights, powers and privileges of assigning or transferring the rights, powers and privileges, or any of them, granted it by this Act, as is by this Act conferred upon the Corporation of the Town of Fort William.

Assignee not
to discrim-
inate between
the towns.

33. In the event of the Corporation of the Town of Fort William or the Corporation of the Town of Port Arthur assigning the rights, properties, powers and privileges granted either of them by this Act, to any person, company or corporation, such person, company or corporation shall not, directly or indirectly discriminate between the said towns in selling or disposing of electric power or energy, or in the granting of rights and privileges, but such person, company or corporation shall grant equal privileges to the said towns, and sell and dispose of electric power and energy to the said towns on terms equally favorable, having regard to the difference in mileage required to deliver such power, and such person, company or corporation shall supply the same on the terms aforesaid.

Powers of
Fort William
to be exer-
cised with
assent of rate-
payers.

34. The Corporation of the Town of Fort William shall not exercise the powers conferred by this Act of developing water power and electricity and of acquiring lands and other property from Edward Spencer Jenison until a by-law for such purpose shall have been submitted to the ratepayers of said town entitled to vote on money by-laws and carried by a majority of such ratepayers voting on said by-law.

SCHEDULE A.

BY-LAW No. 287 OF THE TOWN OF FORT WILLIAM.

A by-law to consolidate the floating indebtedness of the corporation of the Town of Fort William, and to provide for the issue of debentures to the amount of \$17,000 therefor.

Whereas the corporation of the Town of Fort William has a floating indebtedness of \$17,000.

And whereas \$9,514.02 of said floating debt has arisen by reason of expenditures from time to time being made for the improvement of roads
and

and construction of sidewalks in said town in excess of the amounts provided therefor, and which has been carried along, accumulating from year to year as a deficit.

And whereas \$1,000 of said floating debt has been caused by the expenditure of that amount in the purchase of the site for a government post office and customs building and unprovided for.

And whereas \$6,596.05 of said floating debt represents that amount of supposed assets of said town, which are uncollectable.

And whereas said floating debt has to be financed by a current loan from local banks from time to time at a higher rate of interest than if consolidated and debentures issued therefor, at a great loss to the corporation and the ratepayers thereof.

And whereas it is desirous to have said floating debt consolidated and debentures issued therefor, and that the legislature of the Province of Ontario should be asked to approve of and confirm same.

And whereas the said sum of \$17,000 is the amount of the debt intended to be created by this by-law.

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll of said town amounts to \$1,333,451.00.

And whereas the general debenture debt of the said town, exclusive of local improvements amounts to \$262,939.86 of which no part of the principal or interest thereon is in arrear.

And whereas in order to provide for said debt it is expedient to issue debentures of the said corporation to the amount of \$17,000, bearing interest at four and one half per centum, per annum, and that such principal shall be repayable in yearly sums extending over a period of twenty years from the date of issue of such debentures of such amounts that the aggregate amount payable for principal and interest in any year in respect of the principal shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,306.89 to be raised annually by a special rate on the whole rateable property in the Town of Fort William for the paying of the said debt and interest as aforesaid.

Therefore the corporation of the Town of Fort William enacts as follows :—

1. It shall be lawful for the mayor of the said corporation, and he is hereby empowered, to borrow the said sum of seventeen thousand dollars on the credit of the said corporation for the purposes aforesaid, and to issue twenty debentures of the said corporation each for the sum of \$1,306.89, payable at office of the treasurer of the Town of Fort William as follows :—

Table for \$17,000 debentures payable Instalment plan :

Debenture No.	Time when Payable. June 1st.	Interest.	Principal.	Total.
1.....	1903	\$765 00	\$ 541 89	\$1,306 89
2.....	1904	740 61	566 28	1,306 89
3.....	1905	715 13	591 76	1,306 89
4.....	1906	688 50	618 39	1,306 89
5.....	1907	660 67	646 22	1,306 89
6.....	1908	631 59	675 30	1,306 89
7.....	1909	601 20	705 69	1,306 89
8.....	1910	569 45	737 44	1,306 89
9.....	1911	536 26	770 63	1,306 89
10.....	1912	501 58	805 31	1,306 89
11.....	1913	465 35	841 54	1,306 89

12.....	1914	427 47	879 42	1,306 89
13.....	1915	387 90	918 99	1,306 89
14.....	1916	346 55	960 34	1,306 89
15.....	1917	303 33	1,003 56	1,306 89
16.....	1918	258 17	1,048 72	1,306 89
17.....	1919	210 98	1,095 91	1,306 88
18.....	1920	161 66	1,145 23	1,306 89
19.....	1921	110 13	1,196 76	1,306 89
20.....	1922	56 27	1,250 62	1,306 89

Annual payment, \$1,306.89 (said \$1,306.89 being a sufficient yearly sum to be raised during each year of the said period of twenty years to repay said debt and interest at four and one-half per centum per annum thereon).

2. The said debentures shall bear date as of the first day of June, 1902, shall be signed by the mayor and treasurer thereof, and sealed with the seal of the said corporation.

3. During the said period of twenty years there shall be raised and levied annually by a special rate, in addition to all other rates, upon the whole rateable property in the said Town of Fort William the yearly sum of \$1,306.89 for the payment of the said debt and interest as aforesaid.

4. Every debenture to be issued hereunder shall contain a provision in the following words : This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable except by entry by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to the like effect.

5. That the Legislature of the Province of Ontario shall be petitioned for to confirm and ratify this by-law.

6. That this by-law shall come into force on the 1st day of June, 1902

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the 6th day of January, 1902, commencing at nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows :

In Ward 1—At J. W. Robertson's house ; deputy returning officers J. W. Robertson.

In Ward 2—(Sub-div. No. 1) In Montreal Bank block, Victoria avenue, W. Newcombe, deputy returning officer.

(Sub-div. No. 2—At town hall : deputy returning officer, E. S. Rutledge.

In Ward 3—At Steven's photograph gallery, deputy returning officer* W. Palling.

In Ward 4—At court house, M. W. Bridgman, deputy returning officer.

8. That on Saturday, the 14th day of January 1902, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk in the town hall in the Town of Fort William for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Saturday, the 11th day of January, 1902, at the hour of ten o'clock in the forenoon at the office in the town hall in the Town of Fort William, the clerk of said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the corporation as witnessed by hand and seal of its mayor and clerk this 21st day of January, 1902.

JOSHUA DYKE,
Mayor.

A. McNAUGHTON,
Clerk.

SCHEDULE

SCHEDULE B.

-This agreement made in duplicate this _____ day of A.D. 1902, between the Corporation of the Town of Fort William, hereinafter called the Corporation, of the First Part, and the Mattawin Iron Mining Company, Limited, hereinafter called the Company, of the Second Part.

Whereas the parties hereto did on or about the 13th day of December, 1899, enter into the agreement providing for the granting of a bonus by the corporation to the company, for the consideration, and upon the terms and conditions set out in the said agreement which is set forth in Schedule D of *An Act respecting the Town of Fort William, 1900.*

And whereas the said parties have agreed each with the other, that the said agreement be varied in the manner hereinafter set out, and that in all other respects it shall be ratified and confirmed,

Now therefore this agreement witnesseth that in consideration of the premises, the said parties have, and do hereby covenant, promise and agree, each with the other in the manner following, that is to say :—

First. That the debentures for \$25,000 to be issued by the corporation and handed to the company, shall be handed to the company, notwithstanding anything to the contrary in said agreement, in the following manner, terms and conditions, that is to say :—

So soon as the company have smelters in operation as provided in said agreement, and have during thirty days smelted an average of at least sixty tons of copper ore, per working day of twenty-four hours as in said agreement specified, and the company shall have expended the sum of \$100,000 in the erection thereof, the corporation shall hand to the company, debentures to the extent of \$5,000, and shall, providing the company shall continue to operate said smelters as provided by paragraph three of said agreement, at the expiration of one year from the time herein provided for the delivery of the first instalment of \$5,000 of debentures, hand over a further instalment of \$5,000 of said debentures, and shall, at the expiration of each succeeding year, if the said company shall have continued to have observed and obeyed the said provisions relating to the working of the said smelters, a similar amount of debentures, until the whole of the said debenture issue of \$25,000 shall have been handed over to the said company.

Second. That the company shall pay to the corporation the sum of \$300.00 on account of expenses to which the town has been put for legislation and otherwise ; and if the said sum of \$300 00 shall not have been paid by the company before the time for the handing over debentures to the amount of \$5,000 as herein provided, the corporation may deduct from the said \$5,000 of debentures, debentures to the amount of \$300.00.

Third. That except as herein amended and varied the said agreement be, and the same is hereby confirmed.

SCHEDULE C.

AGREEMENT.

Made this 11th day of March A.D. 1902, between the corporation of the Town of Fort William, hereinafter called the Town of the First Part, and the Kakabeka Falls Land and Electric Company (Limited), hereinafter called the Company of the Second Part.

1. Witnesseth that the town agrees to return the water of the Kaministiquia River above the Kakabeka Falls so as to enable the company to have the full advantage of the fall of the water of the said Falls.

2.

2. The town and the company will each pay one-half the costs of and incidental to the legislation the said town is now applying for.

3. The company will pay two-thirds of any amount which may be awarded to Jenison for damages or otherwise for anything the town may do by virtue of said legislation. The amount to be paid by the company not to exceed \$5000 unless power is developed by the company. If power is developed by the company at any time then the company is to pay two-thirds of the said amount without limit.

4. If the town constructs storage works and the Company develops the power at Kakabeka Falls then the company will if it receive benefit from the said storage works pay two-thirds of the total expense the town shall be put to in respect to such storage works, including maintenance as well as the original cost. If the storage works be built and maintained by the Company, and the water so stored be of benefit to the town, then the Town shall pay one third of the cost of such construction and maintenance.

5. The Town may on terms to be agreed upon, transfer and assign to the company its rights, properties, powers and privileges under the said legislation subject to the liabilities therein imposed, and the company may on terms to be agreed upon transfer all its rights, properties powers and privileges to the Town.

IN WITNESS WHEREOF the parties have signed

The Corporation of the Town of Fort William,

by H. L. DRAYTON,
Their Solicitor.

The Kakabeka Falls Land and Electric Company, Limited,

by H. C. HAMILTON,
Their Solicitor.

WITNESS : J. E. Irving.

CHAPTER. 50

An Act respecting the Town of Goderich.

Assented to 17th March, 1902.

WHEREAS the Corporation of the Town of Goderich has, Preamble.
by petition, represented that the said corporation is desirous of developing and encouraging the facilities and advantages of the situation upon Lake Huron of the said town as a summer resort, and to this end has passed a by-law, intituled "By-law No. 9, 1901, of the Town of Goderich, in the County of Huron, to authorize the Corporation of the said Town to borrow the sum of \$10,000 and to lend the same to a hotel company for the erection and establishment at the said Town of a hotel to accommodate what are called summer guests," authorizing the loan of ten thousand dollars for the purpose of aiding in the establishment at the said town of a large hotel fitted to supply accommodation to those who resort to the said town in the summer months, the present accommodation having proved quite inadequate; and whereas it appears by the said petition that the said by-law was carried by a vote of the duly qualified ratepayers in the said town, of 410 for and only 84 against, and that the establishment of the said hotel will probably considerably increase the value of property in the said town, and be of benefit generally to the said town; and whereas the Corporation of the Town of Goderich has by its said petitions prayed that the said by-law (hereinafter set forth) may be confirmed and declared to be legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law No. 9 for 1901 of the Corporation of the Town of Goderich, intituled as set forth in the preamble to this Act and as set forth in the Schedule A to this Act, is confirmed and declared to be valid and binding from the time of the final passing thereof to all intents and purposes, and the said Corporation of the Town of Goderich is declared to be authorized by the said by-law to raise by way of loan the sum of \$10,000 by the issue of debentures for that amount as is in the said by-law set forth, and to pay the same by way of loan to the person or persons about to build and establish the said hotel, as set forth in the said by-law, and to levy and raise an annual rate on all the rateable property within

By-law to
assist hotel
company
confirmed.

within the said town sufficient to pay the said debentures and the interest thereon as in the said by-law is set forth. And all acts done or to be done, and all payments made or to be made by the said corporation pursuant to the said by-law are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

BY-LAW No. 9 of 1901, of the Town of Goderich, in the County of Huron, to authorize the corporation of the said town to borrow the sum of \$10,000, and to lend the same to a hotel company for the erection and establishment at the said town of a hotel to accommodate what are called summer guests.

Whereas application has been made to the Municipal Council of the said town by one William H. Smith, stating that he and his associates are prepared to erect and carry on a summer hotel in the said town, large enough to accommodate not less than two hundred guests, and to be so constructed as to be suitable for families in winter, and to be ready for the summer season of the year 1902, providing the said town will lend him or them the sum of \$10,000 for a period of ten years, without interest, and will also give remission of taxes (except school tax) upon improvements; and whereas the said town is situated upon the eastern shore of Lake Huron in a situation favorable for the development of what is commonly known as a summer resort, and such development would materially enhance the value of property in the said town and its vicinity, and it is considered desirable by the said council to comply with the said request for a loan upon the additional particulars and conditions hereinafter set forth; and whereas it is the intention if this by-law is passed by the rate-payers, to apply for a special act of the legislature of the Province of Ontario, validating the same and that until such validation, no action shall be taken hereunder; and whereas it will be necessary for the purposes aforesaid to raise by way of loan the said sum of \$10,000 upon the security of the debentures of the said the corporation of the Town of Goderich; and whereas the amount of the whole rateable property of the said municipality according to the last revised and equalized assessment roll, is the sum of \$1,197,105.00; and whereas the amount of the existing debenture debt of the said municipality is now the sum of \$178,246.63 and no principal or interest is in arrear; and whereas the total amount of the debt intended to be created by this by-law for the purposes aforesaid, is the said sum of \$10,000; and whereas the total amount required to be raised annually by special rate upon the taxable property within the said municipality for paying such new debt and interest, are the several sums hereinafter specified and directed to be levied annually during the period of ten years next after the passing of this by-law for the repayment of the principal and interest.

1. Be it therefore enacted and it is hereby enacted by the municipal council of the said the corporation of the Town of Goderich, that it shall be lawful for the mayor and treasurer for the time being of the said town, to borrow from any person or corporation willing to lend the same, the said sum of \$10,000 for the purpose of lending the same to the person or persons or corporate body, as the case may be, who shall undertake the erection and establishment of the said hotel upon the conditions hereinafter expressed, and to issue therefor the debentures of the said corporation of the Town of Goderich for sums of not less than \$100 each with coupons attached for the payment of interest which said debentures shall be signed by the mayor and treasurer of the said town and sealed with the corporate seal, and the lender shall pay the money loaned upon the security of the said debentures unto the branch, or agency of the branch

of Montreal at the said Town of Goderich, to the special credit of the said Town of Goderich, and the same shall be payable out only upon the joint cheque or cheques of the said mayor and treasurer and shall be exclusively applied for the purposes aforesaid.

2. And for the repayment of the said sum of \$10,000 and interest thereon at the rate of four per cent. per annum. there shall be assessed and levied over and above all other rates and taxes upon the whole taxable property within the said municipality during each and every year for the said period of ten years next after the passing of this by-law, and the confirmation thereof by the said the Legislative Assembly of the Province of Ontario, the following sums, namely :—

In the year 1902 the sum of \$1,200.61.

In the year 1903 the sum of \$1,200.61.

In the year 1904 the sum of \$1,200.61.

In the year 1905 the sum of \$1,200.61.

In the year 1906 the sum of \$1,200.61.

In the year 1907 the sum of \$1,200.61.

In the year 1908 the sum of \$1,200.61.

In the year 1909 the sum of \$1,200.61.

In the year 1910 the sum of \$1,200.61.

In the year 1911 the sum of \$1,200.61.

for the purpose of repaying the said principal sum of \$10,000 and interest thereon at the rate aforesaid.

3. This by-law shall come into full force and effect immediately upon obtaining confirmation thereof by the said the Legislative Assembly of the Province of Ontario by a private bill to be introduced at the next session thereof for such purpose.

4. Upon obtaining the sanction as aforesaid of the said Legislature it shall be lawful for the mayor of the said town to lend the said sum of \$10,000 to the said person or persons or body corporate, proposing to erect and establish the said hotel for the said period of ten years from the first day of July, 1902, repayable without interest, such loan to be secured by a first mortgage upon the lands, buildings and other the property comprising the said proposed hotel, and by insurance policies thereon in favor of the said the Corporation of the Town of Goderich, to such an amount as can in the usual course be obtained thereon, the premiums to be paid from time to time by the said borrower and the insurance companies to be selected and approved of by the said mayor.

5. The said loan shall not be advanced or paid over until the said hotel is completed and furnished ready for occupation as a hotel for the reception of guests, provided however that after this by-law shall have been confirmed by the said Legislature, the said the mayor may advance up to 50 per cent of the value of the land and the buildings and erections thereon in the course of completion for the purposes of the said hotel, and the balance upon completion thereof as aforesaid, such advance up to 50 per cent to be made upon a certificate or certificates in writing satisfactory to the said mayor stating the value aforesaid. It shall be erected, furnished and maintained throughout the said period of ten years as a first-class hotel, supplying first-class summer hotel accommodation for at least two hundred guests, shall cost not less than \$16,500.00 for land and buildings, and shall be kept open in each summer season, during the said period of ten years, for a period of not less than twelve weeks, during the summer season and for such further period during the balance of the year, as there shall be trade or custom therefor, including the use of the said hotel for a winter family trade.

6. The said mortgage shall contain covenants and agreements to carry out the foregoing conditions together with such further and other covenants, agreements, provisoes and conditions as the mayor and solicitor for the said town shall deem advisable for the due and sufficient protection of the said town in making the said loan and no part of the said loan shall be paid over till the said mortgage has been duly settled and executed by all necessary parties thereto.

7. Out of the said loan shall be paid all the expenses incurred by the said town in submitting this by-law to the ratepayers and in the said application for a special Act confirming the same.

8. That the votes of the electors of the said municipality entitled to vote for or against this by-law shall be taken on Monday the 21st day of October, 1901, commencing at the hour of nine of the clock in the forenoon and closing at the hour of five of the clock in the afternoon, and such poll shall be taken in the various polling places in which the poll in the last municipal election was held, namely, polling subdivision Number I, at McClymond's wagon shop, James Breckenridge, deputy returning officer.

Polling subdivision Number 2, at Thomas Videan's Feed Store, Charles Bates, deputy returning officer.

Polling subdivision Number 3, at the town hall, Edward Van Every, deputy returning officer.

Polling subdivision Number 4, at J. B. Runciman's Machine Shop, John F. Bates, deputy returning officer.

Polling subdivision Number 5, at Mrs. Walton's Shop, David Marwick, deputy returning officer.

Polling subdivision Number 6, at Brophy's Furniture Store, Harry Watson, deputy returning officer.

Polling subdivision Number 7, at James Hays dwelling house John Bain, deputy returning officer.

9. That the clerk of the said corporation shall attend at the town hall in the said town on Tuesday the 22nd. day of October, 1901, at eleven o'clock in the forenoon to sum up the number of votes given for and against this by law, and the mayor will attend at the said town hall on Saturday, the 19th day of October, 1901, at the hour of eleven o'clock in the forenoon for the appointment of persons to attend at the various polling places and at the final summing up of the said votes by the clerk, on behalf of persons interested in promoting or opposing the passing of this by-law respectively.

Finally passed in open council this 15th day of November, 1901.

(Sgd.) WM. MITCHELL,

Clerk.

(Sgd) JAMES WILSON, [Seal]

Mayor.

CHAPTER 51.

An Act respecting the City of London.

Assented to 17th March, 1902.

WHEREAS, the Corporation of the City of London has, by Preamble.
its petition, shown that by By-law number 1951 of the City of London, passed on the 13th day of January, A. D. 1902, set forth as Schedule A hereto, it was enacted, subject to the confirmation thereof by an Act of the Legislature, that, for the period of ten years, from the first day of January, A. D. 1903, the real and personal property of The McClary Manufacturing Company, used and employed by the said company in the business which it now carries on, or may hereafter carry on, in the City of London, shall not be assessed for any purpose at a greater sum than \$150,000 in any of the said years. ; and that by By-law number 1952, passed on the 13th day of January, A. D. 1902, set forth as Schedule B hereto, it was enacted, subject to the confirmation thereof by an Act of the Legislature, that, for the period of ten years from the first day of January, A. D. 1903, the real and personal property of The George White and Sons Company, Limited, used and employed by the said company in the business which it now carries on, or may hereafter carry on, in the City of London, shall not be assessed for any purpose at a greater sum than \$17,000 in any of the said years; and whereas it has been made to appear that the said companies are of much benefit to the City of London, and they intend to extend and enlarge their factories therein; and whereas the said corporation has, by its petition prayed that an Act may be passed validating and confirming the said by-laws fixing the assessment of The McClary Manufacturing Company, and of The George White and Sons Company, Limited as aforesaid; and whereas The McClary Manufacturing Company, and The George White and Sons Company, Limited, appear to carry on a large trade, and have numerous agencies and business connections outside the Province of Ontario; and whereas the nature and importance of the intended operations of the said companies are of special interest to the agricultural community, not only in the County of Middlesex but elsewhere, and the said industries and enterprises are calculated to become of general public advantage; and whereas the ratepayers of the said City of London have, at the last municipal elections, by a very large majority, approved of the said by-law so fixing the assessment of The McClary Manufacturing Company as aforesaid, and approved of the fixing of the assessment of The George White and Sons Company, Limited, at
\$17,000

\$17,000 for the period of ten years, and the municipal council of the said corporation for the present year approves of the said by-laws, and the same were passed by the unanimous vote of the said council; and whereas it has been made to appear that the carrying out of the said propositions will impart a large increase in the value not only to other properties in the immediate vicinity of the said works but also to other properties in the said municipality, and greatly promote business activity and prosperity; and whereas the Municipal Corporation of the City of London, in order to enhance the value of the debentures hereinafter referred to, has, by petition, prayed for special legislation confirming the by-laws specified in Schedule C and the debentures and assessments hereinafter referred to; and whereas no objections have been raised to any of the said by-laws specified in Schedule C, and the time for moving against them has expired; and whereas it appears to be desirable, and greatly in the public interest, that the said by-laws should be validated and confirmed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-Law re
assessment of
McClary Co.
confirmed

1. By-law number 1,951 of the Corporation of the City of London, passed on the thirteenth day of January, A.D. 1902, intituled "By-law relating to the assessment of The McClary Manufacturing Company", which by-law is set out as Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

By-law re
assessment of
Geo. White &
Sons Co., con-
firmed.

2. By-law number 1,952 of the Corporation of the City of London, passed on the thirteenth day of January, A. D. 1902, intituled "By-law relating to the assessment of The George White and Sons Company, Limited," which by-law is set out as Schedule B hereto, is hereby confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

Certain de-
benture by-
laws con-
firmed.

4. The by-laws of the Municipal Corporation of the City of London, specified in Schedule C hereto, and all debentures issued, or to be issued thereunder, and all assessments made, or to be made, for payment thereof, are hereby confirmed and declared to be legal, valid and binding.

SCHEDULE A.

BY-LAW No. 1951.

Relating to the assessment of the Mc Clary Manufacturing Company.

Whereas, by an Act of the Legislature of the Province of Ontario, passed in the 56th year of Her late Majesty's Reign, and intituled *An Act respecting the City of London*, power was given to the municipal council

council of the corporation of the City of London, by by-law, to provide that the real and personal property of the Mc Clary Manufacturing Company, used and employed by the said company in the business which it was then carrying on, or might thereafter carry on, in the said City of London, should not be assessed at a greater sum than \$100,000 for the period of ten years from the first day of January, A.D. 1893.

And whereas, by By-law No. 816, passed on the seventeenth day of July, A.D. 1893, it was provided that, for the period of ten years from the first day of January, A.D. 1893, the real and personal property of the McClary Manufacturing Company, used and employed by the said company in the business which it then carried on, or might thereafter carry on, in the said City of London, should not be assessed at a greater sum than \$100,000 in any of the said years.

And whereas the said company have requested that their assessment, as aforesaid, for ten years from the first day of January, A.D. 1903, be fixed at \$150,000.

And whereas it will be greatly in the interests of the said City of London, and of the public generally, that the said petition should be granted.

Be it therefore enacted by the municipal council of the corporation of the City of London, as follows :

1. That, for the period of ten years from the first day of January, A.D. 1903, the real and personal property of the McClary Manufacturing Company, used and employed by the said company in the business which it now carries on or may hereafter carry on in the said City of London, shall not be assessed for any purpose at a greater sum than \$150,000 in any of the said years.

2. That this by-law shall not take effect unless and until it has been confirmed by an Act of the Legislature of Ontario.

Passed in open council this 13th day of January, A.D. 1902.

(Sgd.) A. BECK,
Mayor.

(Sgd.) C. A. KINGSTON,
Clerk.

SCHEDULE B.

By-Law No 1952.

Relating to the assessment of The George White and Sons Company,
Limited.

Whereas, by By-law Number 642, passed on the ninth day of May, A.D. 1892, the manufacturing establishment of George White and Sons, of which the said The George White and Sons Company, Limited, are the successors, was exempted from taxation in the City of London, in so far as each annual assessment of the same, during the period of ten years from the passing of the said by-law, exceeded the sum of \$11,000, but such exemption did not include taxation for street watering, city water rates, and rates imposed under the provisions of "*The Municipal Act*," relating to local improvements ;

And whereas the said company have requested that the assessment of the real and personal property of the said company, used and employed by the said company in the business which it is now carrying on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$17,000, for ten years from the first day of January, A.D. 1903 ;

And whereas the ratepayers of the said City of London, at the last municipal elections, by a very large majority, voted in favor of fixing the assessment of the said company at the sum of \$17,000, for a period of ten years ;

And whereas it will be greatly in the interests of the said City of London, and the public generally, that the said petition should be granted ;

Be it therefore enacted by the municipal council of the corporation of the City of London as follows :

1. That for the period of ten years from the first day of January, A.D. 1903, the real and personal property of the George White and Sons Company, Limited, used and employed by the said company in the business which it now carries on, or may hereafter carry on, in the said City of London, shall not be assessed for any purpose at a greater sum than \$17,000 in any of the said years.

2. That this by-law shall not take effect unless and until it be confirmed by an Act of the Legislature of Ontario.

Passed in open council this thirteenth day of January, A.D. 1902.

(Sgd.) C. A. KINGSTON,
Clerk.

(Sgd.) A. BECK,
Mayor.

SCHEDULE C.

List of by-laws providing for the issue of debentures, passed by the council of the corporation of the City of London on the 26th day of December, A.D. 1901, the particulars of which are set out below.

1. By-law No. 1,938, to provide for raising moneys to pay for the construction of cement sidewalks in the by-law referred to, and to levy the rates to meet the debentures to be issued therefor.

2. By-law No. 1,939, to provide for raising moneys to pay for the construction of tile sewers, therein referred to, and to levy the rates to meet the debentures to be issued therefor.

3. By-law No. 1,940, to provide for raising moneys to pay for the construction of cement kerbs, therein referred to, and to levy the rates to meet the debentures to be issued therefor.

4. By-law No. 1,941, to consolidate the several issues of debentures referred to in the said By-laws Nos. 1,938, 1,939, and 1,940, and to provide for raising, by debentures, the city's share of the cost of the improvements in the said by-laws mentioned, which is to be raised by a special rate.

CHAPTER 52.

An Act respecting the Village of New Hamburg.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporation of the Village of Preamble.
New Hamburg has by petition set forth that The New Hamburg Manufacturing Company has carried on business in the said village for many years past in the manufacture of agricultural implements, engines, boilers, and otherwise, employing a large number of operatives, and being the chief industry of the said Village of New Hamburg, and that on the 28th of February last the buildings, works, plant, machinery and stock of the said company were totally destroyed by fire and the employees and operatives thereby suddenly thrown out of employment, and that in connection with the said disaster the said village and the ratepayers thereof are desirous of assisting in the re-establishing of the said industry, and to be authorised to grant a bonus not exceeding \$10,000 for such purpose; and whereas the council of the said village has been petitioned by more than two-thirds of the ratepayers in the said municipality to seek for necessary powers to enable the council of the said municipality to pass a by-law in that behalf to authorize the corporation to issue debentures to an amount not exceeding \$10,000 payable on the instalment plan during a period not exceeding 20 years, notwithstanding that the amount required for repayment of the said debentures, together with the payment of similar bonuses already granted by the said village, require an annual levy for principal and interest exceeding ten per centum of the total annual municipal taxation thereof; and whereas no opposition appears to exist to the granting of the said bonus, and it is expedient to confer upon the council of the said village necessary powers to pass a by-law or by-laws to make provision for the granting of such bonus;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Corporation of the Village of New Hamburg is authorized to pass a by-law or by-laws to grant aid, by way of bonus, gift or loan, not exceeding in the whole \$10,000, to the New Hamburg Manufacturing Company, to assist the said company in re-building and re-establishing its business Power to aid New Hamburg Manufacturing Co.

business in the said village, and for issuing debentures repayable, within twenty years at the furthest, from the date of the issue thereof, in equal annual instalments of principal and interest.

By-laws to be
subject to
bonus clauses
of Rev. Stat.
c. 223.

2. Any by-law passed under this Act shall be subject to the provisions of *The Municipal Act* and amendments thereto respecting by-laws for granting bonuses to manufacturing industries, provided that such by-laws and the debentures issued thereunder shall be valid notwithstanding that any indebtedness incurred thereunder shall, for its repayment, together with the payments required to be made in respect of similar bonuses already granted by the said corporation, require an annual levy for principal and interest exceeding ten per cent. of the total annual taxation of the said corporation.

CHAPTER 53.

An Act respecting the Town of Orillia.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporation of the Town of Orillia has by petition represented that under and by virtue of the provisions of chapter 64 of the Acts passed in the 62nd year of the reign of Her late Majesty, Queen Victoria, intituled *An Act respecting the Town of Orillia*, the said municipal corporation has erected, constructed and installed machinery, works, erections and plant at and from a certain water power at the Ragged Rapids on the River Severn in the Township of Matchedash to the Town of Orillia in the County of Simcoe, for the purpose of generating and transmitting electrical energy to the Town of Orillia; and whereas the said municipal corporation has further represented that in order to provide for the payment therefor, and for further equipment, it has become necessary to provide an additional amount of money, and that it is desirable that the said municipal corporation should be empowered to increase the area within which the said municipal corporation was authorized by the said Act to distribute, sell and dispose of electrical power, to a radius of twenty-five miles from the Town of Orillia, and that the said Act ought to be amended accordingly; and whereas the Municipal Corporation of the Township of Orillia has passed a by-law, being By-law No. 704 of the said township, to facilitate the operations of the said town corporation within the limits of the said township in connection with the generation and distribution of electrical energy; and whereas the Municipal Corporation of the Town of Orillia has prayed that an Act may be passed authorizing the issue of debentures to the amount and for the purposes aforesaid, and amending the said Act in manner aforesaid, and confirming the said by-law of the Township of Orillia; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

1. It shall be lawful for the Municipal Council of the Corporation of the Town of Orillia aforesaid for the purposes of paying for and more fully equipping, completing, perfecting and operating the said plant and works authorized, installed, erected, maintained and operated under and by virtue of the provisions

Debentures
for \$100,000
authorized.

provisions of the Act passed in the 62nd year of the reign of Her Late Majesty, Queen Victoria, chaptered 64, and according to the true intent and meaning thereof, to pass one or more by-laws to borrow a sum or sums of money not exceeding in the aggregate the sum of \$100,000 and to authorize the issue of debentures of the said town corporation therefor in such sums of not less than one hundred dollars each as the council of the said town corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in Schedule A to this Act set forth, which said debentures shall bear interest at a rate not exceeding four per cent. per annum payable half yearly, and shall be signed by the mayor and the treasurer of the Town of Orillia for the time being, and may be made payable either in sterling currency in Great Britain, in this Province, or elsewhere as to the said council of the said corporation shall seem expedient, provided that no such by-law or by-laws for further equipment shall be finally passed by the council of the said town until such by-law or by-laws shall have been submitted to and received the assent of a majority of the qualified ratepayers of the said town who shall vote thereon.

(2) The corporation of the Town of Orillia is hereby authorized to pay to the contractors of the works in question all moneys to which the contractors may be found lawfully entitled, and shall be liable to pay the same, and the Corporation of the Town of Orillia may issue debentures for that purpose, without submitting a by-law to the vote of the qualified ratepayers of the said town.

62 V. c. 64, s.
1, amended.

2. Section 1 of the said Act is hereby amended by inserting the word "twenty" before the word "five" wherever it occurs in the said section, and by adding the words "or elsewhere within such radius" to the said section 1.

(2) Nothing in the said Act nor in this Act contained shall be deemed to authorize the Municipal Corporation of the Town of Orillia to extend or maintain the wires and plant necessary for the transmission of electric power to points beyond a radius of five miles from the outside boundary of the Town of Orillia, without the consent first obtained of the municipality or municipalities affected by any such extension.

62 V. c. 64,
s. 2, amended.

3. Section 2 of the said Act is hereby amended by striking out the words "between the said lot eleven and the said Town of Orillia" where they occur in the 13th and 14th lines of the said section.

By-law 704
of Township
of Orillia
validated.

4. By-law No. 704 of the Township of Orillia, set forth as Schedule B to this Act, is hereby validated and confirmed and declared to be legal and binding upon the said municipality, and the said Act, chapter 64 of the statutes passed in the 62nd year

year of the reign of Her late Majesty Queen Victoria, and the Schedule to the said Act are hereby declared to be subject to this Act.

5. No irregularity in the form of the debentures to be issued under the said by-law or by-laws of the Town of Orillia shall render the same invalid or illegal, or be allowed as a defence to any action that may be brought against the said corporation for the recovery of the said debentures or interest, or any or either of them, or any part thereof.

Debentures
to be issued
validated.

SCHEDULE A.

Town of Orillia loan debentures No. , under and by virtue of the Act passed in the second year of His Majesty King Edward VII and chaptered and by virtue of by-law No.

of the corporation of the Town of Orillia passed under the provisions of the said Act the corporation of the Town of Orillia promises to pay the bearer at the Traders' Bank of Canada in the said Town of Orillia the sum of dollars on the day of A. D. 190 , and the half yearly coupons hereto attached as the same shall be severally fall due.

Dated at Orillia, in the County of Simcoe, this day of A. D. 1902.

(SEAL)

MAYOR,

TREASURER.

SCHEDULE B.

BY-LAW No. 704 OF THE TOWNSHIP OF ORILLIA.

To amend by-law No. 664 of said Township of Orillia, respecting the corporation of the Town of Orillia and the Power Transmission Plant to be erected by the said town corporation and for other purposes.

Whereas by by-law No. 664 of the corporation of the Township of Orillia passed on the day 4th of February, A. D. 1899, certain privileges connected with the erection and operation of an electrical power transmission plant were granted to the corporation of the Town of Orillia (hereinafter called the town corporation) subject to the condition contained in clause No. 9 of said by-law Number 664, that the said by-law should be null and void if the poles and wires were not erected and the line in operation on or before the first day of January, A. D. 1901.

And whereas the said power transmission plant has not been fully completed and put in operation within the time mentioned in clause nine of said By-law No. 664, and the said Township of Orillia are agreeable that the time for the further completion and putting in operation of the said power transmission line should be extended to the first day of November, 1903, and that said clause nine, of said By-law No. 664, should be amended accordingly.

And whereas the said town corporation desires also to obtain the right and privilege to extend the lines of the said power transmission plant beyond

beyond the outside boundary of the said Town of Orillia, and for such purpose may find it necessary to erect poles and string wires and do other necessary work along and upon highways and sideroads in the Township of Orillia, in addition to those specified in By-law No. 664.

Therefore, the council of the corporation of the Township of Orillia enacts as follows :—

(1) That clause No. 9, of By-law 664, be and the same is hereby amended by extending the time for the erection of the said poles and wires and the operation of the said line to the first day of November, A.D. 1903, instead of the first day of January, A. D. 1901, as therein specified.

(2) The said town corporation is hereby allowed and authorized to erect poles, string wires and do all other necessary work for the purposes of the said power transmission plant upon the highway commonly known as the Barrie and Ridge Road, from the boundary of the said town corporation to the grounds of the Provincial Asylum in said township.

(3) The said town corporation is hereby authorized to erect poles, string wires and do all other necessary work upon any highway or sideroad in the said Township of Orillia, for the purpose of transmitting power, electric light or electric energy from said transmission plant, or any part thereof, to any point within any radius from the outside boundary of the said Town of Orillia at any time hereafter so long as the power transmission plant is operated by the said town corporation, provided always that in the exercise of the powers hereby granted to the said town corporation no unnecessary damage shall be done and also provided that before any line of poles or wires shall be erected other than those specially authorized by By-law 664, or this by-law, the express consent of the corporation of the Township of Orillia shall be obtained by by-law or by-laws to be enacted in that behalf describing the highways and sideroads upon which such additional poles and wires are to be erected and other necessary work is to be done.

(4) Except in so far as the same are hereby varied all the provisions and conditions contained in said By-law No. 664 shall extend and apply to any poles, wires or lines erected either before or since the said first day of January, A. D. 1901, or to be hereafter erected or constructed or operated under the authority of this by-law, and to the telephone line strung along the poles of said power transmission line between the said Town of Orillia and the limits of the said Township of Orillia.

(5) The said town corporation shall pay the costs, charges and expenses of the township solicitors, Messrs. McCork & Thompson, of and incidental to the drawing and passing of this by-law.

(6) Except as varied, modified or amended by this By-law, the said By-law No. 664 of the Township of Orillia is hereby re-enacted and confirmed.

Passed in Council this thirteenth day of January, A. D. 1902.

JOHN C. ROSE,
Clerk.

H. ELLIOTT,
Reeve.



CHAPTER 54.

An Act respecting the City of Ottawa.

Assented to 17th March, 1902.

WHEREAS the Corporation of the City of Ottawa has **Preamble**
by petition set forth that at the municipal election in the month of January, 1902, the question of abolishing the Public Parks Board of the said city was submitted to a vote of the electors and a large majority of the electors voting thereon voted in favour of such abolition; and whereas the said corporation has further set forth that an hospital for the treatment of contagious diseases is urgently needed in the said city, but that owing to the present requirements of *The Public Health Act* it is impossible to acquire a site for such a hospital at a reasonable price, and that the southern portion of Rideau River Park in the said city has been approved of by the Provincial Board of Health for such site, and has prayed that the said corporation may be authorized to set apart the said lands for such site; and whereas the said corporation has further prayed that power may be granted to the said corporation to grant aid to the ferry plying between the said city and Gatineau Point in the Province of Quebec; and whereas the said corporation has further set forth that by the Acts relating to the said city the aggregate annual rates to be levied therein are limited to one and one-half cents on the dollar, and that it is urgently necessary that the said city should be authorized to grant aid to the hospitals in the said city notwithstanding that the granting of such aid may increase the said rates above the said limit, and that at the municipal elections in the month of January, 1902, the question of imposing a special annual rate not exceeding one mill on the dollar to aid the said hospitals was submitted to the municipal electors, and a large majority of the electors voting thereon voted in favor of granting the said aid, and the said corporation has prayed that power may be given to the council to levy a special annual rate for the said purpose not exceeding one mill on the dollar, notwithstanding that the annual rates in the said city may be thereby increased above the said limit of one and one-half cents on the dollar; and whereas the said corporation has further shown that by inadvertence section 10 of the Act passed in the 1st year of His Majesty's reign chaptered 62, provided for the levying of a special annual rate upon all the assessable property in the said city to pay the debentures issued for waterworks purposes under section 9 of the said Act and the interest thereon,
and

and the said corporation has prayed that the said section 10 may be repealed and a provision substituted therefor authorizing the payment of the said debentures and interest out of the water rates of the said city; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follow :—

Board of
Parks Man-
agement
abolished.

1.—(1) Notwithstanding anything contained in *The Public Parks Act* and in the by-law of the Council of the City of Ottawa adopting the same, all the real and personal property, rights, powers, privileges and duties heretofore vested in and held, possessed, enjoyed and exercised by the Board of Parks Management of the City of Ottawa are transferred to and shall be vested in, held, possessed, enjoyed and exercised by the municipal corporation of the said city, and the said Board of Parks Management of the City of Ottawa is abolished, but, subject to the substitution of the corporation of the said city for the said Board of Parks Management, the said *The Public Parks Act* shall in all other respects continue to apply to and be in force in the City of Ottawa.

Rev. Stat.
c. 233.

(2) The Corporation of the City of Ottawa may enter into agreement from time to time with the Government of the Dominion of Canada or any Commissioners appointed by the said Government or by the Dominion Parliament for that purpose for laying out, constructing and maintaining any parks, squares, drives, walks or boulevards in the said City or the neighbourhood thereof by the said Corporation and the said Government or Commissioners as the case may be jointly or solely by said Government or Commissioners and for the contribution from time to time by the said Corporation and the said Government or Commissioners of such sums of money as may be agreed upon and as may be deemed necessary for such purpose and for the application, management and control of the same.

Park liabilities to be assumed by the city.

2. All contracts, debts and liabilities heretofore lawfully entered into or incurred by the said Board of Parks Management shall be binding upon, and shall be assumed and discharged by the Corporation of the City of Ottawa, and all parks, avenues, boulevards and streets, and all property both real and personal heretofore under the control and management of the said board shall be subject to the control and management of the council of the said corporation, and the council of the said corporation shall perform all the duties as to maintenance, improvement and management heretofore incumbent on the said board under *The Public Parks Act*.

Rev. Stat.
c. 233.

Parks committee of council.

3. The Council of the Corporation of the City of Ottawa shall at its first meeting after the passing of this Act and afterwards at the first meeting thereof in each year or so soon thereafter as possible, by resolution appoint for the then

then current year, a committee composed of one alderman from each of the wards of the said city to be called The Parks Committee, which shall, subject to the approval and according to the directions of the said council, have the control and management of all parks, squares, avenues, boulevards, streets and other property heretofore under the control and management of the said Board of Parks Management and of all other parks, squares and other open public spaces in the said city.

4. The Council of the Corporation of the City of Ottawa, may grant annually by by-law or otherwise such aid to the hospitals for the sick in the said city as may be deemed expedient, and may for that purpose levy and collect annually a special rate of not more than one mill on the dollar on all ratable property in the said City of Ottawa according to the assessed value thereof, notwithstanding that such rate will increase the aggregate annual rates to be levied and collected in the said city beyond one and one half cents on the dollar.

Aid to hospitals by special rate not exceeding one mill.

5. The Corporation of the City of Ottawa, notwithstanding the provisions of *The Public Health Act*, or of *The Public Parks Act*, or of any other Act of the Legislature of the Province of Ontario, may use the lands in the City of Ottawa, described as all and singular that certain parcel or tract of land and premises composed of the southern portion of Rideau River Park in the said city, which may be more particularly described as follows:—Commencing at a point where the south side of Somerset Street meets the Rideau River, thence westerly along the southern boundary of Somerset street, a distance of two hundred and ninety-two and four hundredths (292.4) feet more or less to the east limit of Salisbury Avenue; thence southerly along the east side of Salisbury Avenue, a distance of five hundred and ninety-three and four hundredths (593.4) feet more or less to the north side of Templeton street; thence in an easterly direction along the north limit of Templeton Street a distance of three hundred and two (302) feet more or less to the Rideau River; thence in a northerly direction and along the west bank of the Rideau River to the place of beginning, as a site for the establishment and erection of such a hospital for the reception of persons having the smallpox or other disease which may be dangerous to the public health, as municipalities are authorized to establish, erect and maintain by section 104 of *The Public Health Act*, and may establish, erect and maintain such hospital thereon, and the said lands shall no longer form part of the said park, but are hereby separated from the said park and set apart for the purposes aforesaid.

Power to set apart portion of Rideau river park for small-pox hospital.

Rev. Stat. c. 248.

6. Section 10 of the Act passed in the 1st year of His Majesty's reign, chaptered 62, intituled *An Act to authorize the* ^{1 Edw. VII. c. 62, s. 10.}

the City of Ottawa to issue certain Debentures is repealed and the following substituted therefor:—

Waterworks—
paying debentures and interest out of water rates.

“10.—(1) For the purpose of providing a sinking fund for the payment of the debentures mentioned in the immediately preceding paragraph and the interest on the same semi-annually, the Corporation of the City of Ottawa shall raise annually from the water rates and with the authority conferred upon the said corporation in and by the Act of the Legislature of this Province intituled, *An Act for the construction of Waterworks for the City of Ottawa*, and the Acts amending (the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of said debentures and shall also raise annually a further sum, not less than one and one-half per cent. on the principal of the said debentures, sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sum to be in addition to the money to be required to be raised to meet the charges of maintenance, the cost of renewals, the amounts required for the payment of the interest on the waterworks debentures already issued, and for the payment of the sinking fund amounting annually to \$11,700 as required by section 14 of *The Act to Consolidate the Debenture Debt of the City of Ottawa*, passed in the 41st year of Her late Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province intituled, *An Act respecting the City of Ottawa*, passed in the 50th year of Her late Majesty's reign and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled, *An Act to enable the City of Ottawa to issue debentures for Waterworks purposes*, passed in the 52nd year of Her late Majesty's reign and chaptered 67, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled *An Act to enable the Corporation of the City of Ottawa to issue debentures for Waterworks purposes*, passed in the 53rd year of Her late Majesty's reign, and chaptered 97, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled *An Act respecting Local Improvements in the City of Ottawa and for other purposes*, passed in the 60th year of Her late Majesty's reign, and chaptered 71, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

Proviso.

(2) Provided that if from any cause the moneys annually accruing from the water rates, after deducting the present charges

charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the said debentures herein authorized to be issued, it shall be the duty of the Corporation of the City of Ottawa, and they are hereby authorized and required when and as often as the same may occur forthwith to settle, impose, levy and collect an equal special rate upon all the rateable property of the City of Ottawa, in the manner and with the like powers as shall exist with respect to municipal assessments, rates and taxes and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking fund to pay the said debentures herein authorized to be issued.

7. The Corporation of the City of Ottawa may by by-law grant such aid to the ferry plying between the City of Ottawa and Gatineau Point in the Province of Quebec as the council of the said corporation may deem expedient.

Aid to Gatineau Point ferry.

CHAPTER 55.

An Act respecting the establishment of The Carnegie Library in the City of Ottawa.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition, represented that Andrew Carnegie of the City of New York has offered the said corporation the sum of \$100,000 for the erection of a free public library in the City of Ottawa, upon the condition that the said corporation will agree to expend annually a sum of not less than \$7,500 for the maintenance of the same; that the said corporation has agreed to the said terms and accepted the said offer and passed, subject to ratification by this Legislature, by-law No. 2,151 providing therefor, and for the erection and maintenance of a free public library in the City of Ottawa, and has prayed for the ratification of the said by-law and for authority to accept the said offer and to erect and maintain a free public library in the said city as set forth in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law establishing free library confirmed.

1. Subject to the provisions hereinafter contained, By-law No. 2,151 of the Corporation of the City of Ottawa intituled "A by-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000, to be expended for the erection of the same," which by-law is set out in Schedule A to this Act, is ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Corporation may agree with A. Carnegie to accept gift of \$100,000.

2. The Corporation of the City of Ottawa is authorized and empowered to accept the offer of the said Andrew Carnegie mentioned in the said by-law for the erection of a free public library in the City of Ottawa, upon the condition mentioned therein, and to enter into such agreement (not inconsistent with the terms of this Act and of the said by-law) with the said Andrew Carnegie for the fulfilment of the condition upon which the said offer has been made as shall be approved of by the said Andrew Carnegie and the council of the said corporation.

3. The council of the said corporation may acquire by purchase or otherwise such land as they may deem necessary, and may erect thereon such buildings as they may deem suitable and necessary, and establish and maintain and regulate a free public library in the City of Ottawa in the manner set forth in the said by-law.

Acquiring site for library.

4. The said Corporation may issue the debentures mentioned in the said by-law for the purposes mentioned therein, and it shall not be necessary to obtain the assent of the rate-payers to the passing of any by-law for the issue of such debentures or any of them.

Issuing debentures for library.

5. The said municipal council shall in each and every year after the payment over of the said sum of \$100,000 by the said Andrew Carnegie, appropriate and raise by annual special rate a sum sufficient to provide a sinking fund for the retirement of any debentures issued under the said by-law and to pay the interest thereon as it falls due, and in addition thereto a sum not less than \$7,500, and shall apply the said annual sum of \$7,500 to the maintenance of the said free public library.

Annual special rates.

6. The Corporation of the City of Ottawa may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to grant the same, any gift or grant of land or buildings or of money, books, pictures, works of art, newspapers, magazines or periodicals, or any other personal property which may be necessary or useful for the purposes of the said free public library or any reading room or museum or art school or classes established under the said by-law.

Power to receive gifts or grants of lands or money, books, etc.

SCHEDULE A.

BY-LAW No. 2151.

Being a by-law to establish a free public library in the City of Ottawa and to accept the offer of Andrew Carnegie, Esquire, of the sum of \$100,000 to be expended for the erection of the same.

Whereas Andrew Carnegie, Esquire, of the City of New York, has offered the corporation of the City of Ottawa the sum of \$100,000 for the erection of a free public library in the City of Ottawa, upon condition that the said corporation will agree to expend annually a sum of not less than \$7,500 for the maintenance of the same ;

And whereas it is expedient to accept the said offer and to establish a free public library in the said City of Ottawa ;

Therefore the municipal council of the corporation of the City of Ottawa enacts as follows :—

1. There shall be established in the City of Ottawa a free public library which shall be known as "The Carnegie Library."

2. The offer of the said Andrew Carnegie of the sum of \$100,000 for the erection of the said library is hereby accepted.

3. There shall be expended annually by the said corporation for the maintenance of the said library the sum of not less than \$7,500, which shall for the first five years be provided out of the general revenues of the said corporation and thereafter as the said council shall by by-law determine.

4. His Worship the Mayor of the said City of Ottawa shall execute such agreement with the said Andrew Carnegie for the acceptance of the said offer and the maintenance of the said library as may be approved of by the said Andrew Carnegie and the said Council, and the clerk of the said city shall attach thereto the corporate seal.

5. The said corporation shall acquire and hold such land in the said City of Ottawa as may be necessary for a site for the said library, and the selection of the said site and the quantity of land to be acquired for such purpose shall be determined by vote of said council.

6. The said council may open in connection with the said library a free reading room or museum or both and evening classes for artisans, mechanics and workmen in such subjects as may promote a knowledge of the mechanical and manufacturing arts.

7. The said library, reading room and museum shall be open to the public free of charge.

8. The said council shall at its first meeting in each and every year, or so soon thereafter as possible by resolution appoint for the then current year a committee composed of the mayor, eight other members of the council and three ratepayers not members of the council who shall hold office for one year or until their successors are appointed, which committee shall be called "The Public Library Committee," and shall, subject to the control, and according to the directions of the said council have the general management, regulation and control of the said library, reading room and museum and all branches thereof, and the said evening classes. In the event of any vacancy occurring in the said committee in any year the same shall be immediately filled by the said council, but so that the committee shall continue to be composed of the mayor for the time being of the said City of Ottawa, eight other members of the said council and three ratepayers not members of the council.

9. Such vacancy may occur by reason of any member of the said committee dying or resigning therefrom or being convicted of any offence against the criminal laws of the Dominion of Canada or becoming insane or absenting himself from the meetings of such committee for three consecutive months without being authorized by resolution entered upon the minutes or ceasing to be a resident within the municipality of the City of Ottawa, or by reason of any member of the said committee appointed from amongst the members of the said council ceasing from any cause to be a member of the said council.

10. The said committee shall purchase books, magazines, maps and specimens illustrative of the arts and sciences for the library, reading room and museum, and do all things necessary for keeping the same and the buildings and furnishings in a proper state of preservation and repair, and provide the necessary fuel, lighting and other similar matters; and recommend to council the dismissal or appointment of the officers and servants required.

11. The county judge of the County of Carleton upon the request of the library committee may appoint the janitor to be while holding such office, a special constable, and such special constable shall have the special duty of preserving the peace in the room of the library, and in the building in which the library is situated, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which pertain to the office of a constable.

12. Any person who wilfully disquiets or interrupts the public library established under the authority of this by-law, by rude or indecent behaviour, or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for such offence on conviction thereof before a police magistrate or justice of the peace, forfeit and pay for library purposes to the corporation of the City of Ottawa a sum not exceeding \$20 00, together with the costs of conviction, as the said police magistrate or justice of the peace may think fit.

13. The said committee may make regulations for the use of the said library, reading room and museum and evening classes, and for the admission of the public thereto ; and for regulating all matters and things whatsoever connected with the management of the said library, reading room, museum and evening classes, and for the management of all property of every kind under their control for the purposes of this by-law ; and the said committee may impose penalties for breaches of the said regulations not exceeding \$10.00 for any offence.

14. No such regulations, however, shall have any force or effect until confirmed by by-law of the said council, nor shall any such regulation having once been so confirmed by by-law be repealed, altered, varied or re-enacted except by by-law of the said council.

15. Nothing contained herein or in any regulations or in any by-law confirming the same shall preclude the recovery of the value of articles or things damaged or the amount of damage sustained from persons liable for the same.

16. The said committee shall submit to the said council before the first meeting of same in February in each year a detailed estimate of the several sums required to pay during the ensuing financial year :—

(1) The interest of any money borrowed as hereinafter mentioned.

(2) The amount of the sinking fund.

(3) The expense in detail of maintaining and managing the said library, reading room, museum and evening classes, but not exceeding \$7,500 for any one year exclusive of interest and sinking fund.

17. The said committee shall keep distinct and regular account of their receipts, payments, credits and liabilities, and the accounts shall be audited and dealt with in like manner as other accounts of the said municipality.

18. For the purpose of providing for the expenses necessary for carrying this by-law into effect the said council, in addition to all other rates and assessments levied and assessed for the purposes of the said municipality, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said committee to be required as aforesaid upon the assessed value of all the rateable real and personal property, such rate to be called "The Public Library Rate." Provided, however, that such rate shall not increase the aggregate annual rates to be levied in the said city beyond one and one-half cents on the dollar.

19. The said council may also, subject as hereinafter provided, raise by a special issue of debentures of the said municipality payable in thirty years to be termed "Public Library Debentures" such sums, not exceeding in the whole \$15,000, as may be required for purchasing a site for the said library and for furnishing the same, and such sums not exceeding in the whole \$15 000 as may be required for obtaining in the first instance books and other things therefor, without submitting to the electors or obtaining the assent of the electors to a by-law or by-laws authorizing the issue of the said debentures.

20. During the currency of the debentures so issued the council shall withhold and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a

sinking *fund* for the retirement thereof as the same becomes due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

21. All moneys levied and raised as aforesaid shall be received by the treasurer of the said municipality in the same way as other municipal funds and be paid out by him on the orders of the said council ; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid.

22. This by-law shall take effect and come into operation from and after the date of the assent of His Honour the Lieutenant-Governor of the Province of Ontario to an Act of the Legislature of the said province ratifying and confirming the same but until such ratification and confirmation the same shall not be operative or effective.

Given under the corporate seal of the City of Ottawa this 3rd day of December, A.D. 1901.

Certified,

(Sgd.) JOHN HENDERSON,
Clerk,

(Sgd.) JAS. DAVIDSON,
Mayor.

CHAPTER 56.

An Act to confirm By-Law No. 348 of the Village of Paisley.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporation of the Village of Paisley has by petition represented that the said corporation passed a By-law Number 348 for granting aid by way of loan of \$14,000 to George A. Burrows to aid him in building a carpet factory and carrying on the business of carpet manufacturing in the said village; and whereas it has been shewn that the said George A. Burrows has since the passing of the said by-law and on the faith thereof bought a site for such factory in the said village, erected buildings thereon, and placed machinery therein, all at great expense and labour in accordance with his agreement with the said corporation and that he is now carrying on the business of carpet manufacturing in the said village; and whereas it appears that the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act* and that one hundred and seventy-two out of the two hundred and twenty-five ratepayers qualified to vote as aforesaid voted in favour of the said by-law and only six ratepayers voted against it, the whole available vote having been polled; and whereas it has further been shewn that the said by-law was duly registered in the registry office for the County of Bruce on the 31st day of July 1901, and that no steps have been taken, or application made to quash the said by-law and that the corporation of the said Village of Paisley has issued debentures in pursuance of the said by-law and has sold some of the said debentures to private parties in the said Village of Paisley and has advanced part of said loan of \$14,000 to the said George A. Burrows; and whereas it has been represented that the said corporation has not hitherto passed any by-law for granting aid by way of bonus, and that the said factory is the only carpet factory in the said village; and whereas it is recited in the said by-law that the granting of the loan in the said by-law mentioned would not, for its payment, together with the payment of any other debenture indebtedness of the said municipality, require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof; and whereas it has been made to appear that such recital is not accurate in this that, for the first six years of the period of twenty years over which the debentures authorized by the said by-law extend, there will be required to

to be levied annually for principal and interest an amount exceeding 10 per cent. of the total annual municipal taxation of the municipality, but it also appears that for the last fourteen years of the said period there will require to be so levied annually an amount considerably less than 10 per cent. of such total annual municipal taxation, taking into consideration the amount to be repaid annually by the said G. A. Burrows for the said period of fourteen years and deducting the same from the amount so required to be levied annually, and that, therefore, the average amount which will require to be levied annually for principal and interest under the said by-law for the said period of twenty years will be less than 10 per cent. of the total annual municipal taxation of the municipality; and whereas it appears that the said municipality and the said Burrows were unaware of the mistake made in the said recital, and acted in good faith in entering into the said agreement and passing the said by-law and in carrying out the provisions of such by-law and agreement; and whereas it has also been made to appear that the present rate of taxation in the said village, including school rates, is only 18 mills in the dollar; and whereas the said corporation has prayed that the said by-law and agreement may be confirmed and declared legal and valid, and there is no opposition thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No
348 of Village
of Paisley
confirmed.

1. By-law number 348, of the Corporation of the Village of Paisley, set forth in Schedule A to this Act is confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof to all intents and purposes and from the time of the passing thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect or error in substance or in form of the said by-law, or in the manner of passing the same, and the said debentures issued under the said by-law are hereby declared valid, legal and binding upon the said corporation and the ratepayers thereof, anything contained in *The Municipal Act* or any other Act to the contrary notwithstanding, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law No. 348.

Rev. Stat.
c. 223.

Agreement
as to carpet
factory con-
firmed.

2. The agreement set forth in Schedule B to this Act is hereby declared to be valid and binding.

SCHEDULE A.

BY-LAW NO. 348 OF THE VILLAGE OF PAISLEY.

A By-law to authorize the Village of Paisley to borrow upon its debentures \$14,000.00 to assist by way of loan the industry of carpet manufacturing in said village.

Whereas G. A. Burrows of the Village of Breslau, in the county of Waterloo, manufacturer, has applied to said corporation for aid by way of loan of \$14,000.00 to him in the manufacturing of carpet, to be secured in manner provided by a certain agreement provisionally entered into by him with said corporation, a copy whereof is hereunder written marked Schedule B.

And whereas it is necessary for said corporation to borrow upon its debentures said sum of \$14,000.00, which sum together with the interest thereon shall be repaid in twenty years from the date of the final passing hereof in such sums annually as shall make the aggregate amount payable for principal and interest in any one of the said years of said term equal to that payable in any other of said years of said term.

And whereas it is expedient in the opinion of the municipal council of said village to develop the said industry in said Village of Paisley and aid same pursuant to said agreement.

And whereas the amounts required to be raised annually during the said period upon all the rateable property of this municipality to meet said annual payments of principal and interest in each of said years are respectively set forth opposite said years in the schedule hereunder written marked A.

And whereas the whole rateable property of the said municipality according to the last revised assessment roll, being for the year 1900, is valued for \$301,065.00.

And whereas the amount of the existing debenture debt of said municipality is \$1,262.65, of which no sum is in arrears for principal or interest.

And whereas the business to be carried on by the said G. A. Burrows is not of a similar nature to any one already established in the said municipality.

And whereas the granting of said loan will not for its payment, together with the payment of any other debenture indebtedness of said municipality, require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof.

Be it therefore and it is hereby enacted by the corporation of the Village of Paisley by virtue of *The Municipal Act* and other Acts them thereunto enabling as follows :

1. It shall be lawful for this municipality to borrow upon its debentures the sum of \$14,000.00 and to issue its debentures for raising said sum to be granted and paid over by way of loan to said G. A. Burrows, and the same shall be payable within twenty years from the final passing of this by-law and shall bear interest at four per cent. per annum upon the unpaid portion thereof payable yearly.

2. There shall be repaid in each of said years upon said loan until the same has been fully paid off, commencing at the end of one year from the date of the passing of this by-law and thereafter in each year throughout said term, the amount set opposite said year in said Schedule A hereunder written in the third column thereof on account of the principal, and the amount set opposite the said year in the said schedule in the fourth column thereof for interest.

3. Separate debentures shall be issued for the amount so payable for principal in each of said years, which shall bear interest at four per cent. per annum, and shall have attached to them coupons for the payment of the said interest, and no such debentures shall be for a less sum than \$470.15 for any one thereof.

4. For the purpose of paying off said debentures there shall be raised
annually

annually during the said period until the said loan is paid off, upon all the rateable property in this municipality, the amount of interest and of principal payable in each said year as set out in Schedule A, which sum shall be levied by special rate upon the whole rateable property of the municipality.

5. All debentures required to raise said loan shall be issued and disposed of by the reeve of this municipality when and as directed by the municipal council thereof, and shall be payable at the office of the treasurer of this municipality in Paisley.

6. The reeve and treasurer shall sign each of said debentures and coupons, and the clerk shall affix the corporate seal of the said municipality to each of said debentures.

7. It shall and may be lawful for said corporation to grant free water and exemption from taxes, except school tax, to said G. A. Burrows as provided in the said agreement as set out in Schedule B hereto.

8. The votes of the ratepayers of this municipality, who are entitled by law to vote on this by-law, shall be taken on this by-law in the various polling sub-divisions of this municipality on the fourth day of July, A.D. 1901, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, during which interval the polls shall be and remain open and at the polling places hereinafter mentioned, and the person whose name is mentioned opposite to each polling place shall be deputy returning officer for same, and on Thursday the twenty-seventh day of June, A.D. 1901, at the town hall in said municipality, at the hour of ten o'clock in the forenoon, there shall be appointed persons to attend at the various polling places and at the final summing up of the votes for and against this by-law by the clerk, respectively, on behalf of the persons interested in the promotion or opposing the said by-law respectively.

POLLING SUBDIVISION.

POLLING PLACE.

DEPUTY RETURN- ING OFFICER.

Number One

Council Chamber, Town Hall, James C. Gibson.

Number Two

David Bell's shoe shop.

Frank E. Sheppard.

9. That James C. Gibson, clerk of this municipality, shall be returning officer, and shall sum up the number of votes given for and against this by-law forthwith upon the closing of the polls, and shall declare the result thereof at the hour of twelve o'clock noon upon the fifth day of July, A.D. 1901, in the clerk's office in the town hall in the said Village of Paisley.

10. The municipal council by their proper officers in that behalf may execute such documents as may be necessary to fully insure the carrying out of said agreement mentioned in and set out in Schedule B hereinafter written.

11. That wherever the words municipality or corporation are hereinbefore used, they are intended to be and shall be construed to mean "The municipality and corporation of the Village of Paisley," and wherever the words "reeve," "treasurer," "clerk," "proper officer," "council," and "municipal council" are used, they are intended to be and shall be construed to mean the reeve, treasurer, clerk, proper officer, council, and municipal council of the municipality and corporation of the Village of Paisley.

12. This by-law shall take effect and come into operation from and after the final passing thereof.

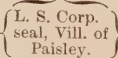
Passed in open council this eighth day of July, A.D. 1901.

(Sgd.) J. C. Gibson,

Clerk.

(Sgd.) A. Fisher,

Reeve



SCHEDULE A.

Shewing the amounts to be raised yearly on the rateable property of the municipality and to be paid yearly for principal and interest under this by-law pursuant to the second and fourth paragraphs of said by-law :

1	2	3	4	5
Number of payments.	For the year.	Amount of principal.	Amount of interest.	Total amount for each year.
1.....	1902	\$470 15	\$560 00	\$1,030 15
2.....	1903	488 96	541 19	1,030 15
3.....	1904	508 52	521 63	1,030 15
4.....	1905	528 86	501 29	1,030 15
5.....	1906	550 01	480 14	1,030 15
6.....	1907	572 01	458 14	1,030 15
7.....	1908	594 89	435 26	1,030 15
8.....	1909	618 69	411 46	1,030 15
9.....	1910	643 44	386 71	1,030 15
10.....	1911	669 18	360 97	1,030 15
11.....	1912	695 95	334 20	1,030 15
12.....	1913	723 79	306 36	1,030 15
13.....	1914	752 74	277 41	1,030 15
14.....	1915	782 85	247 30	1,030 15
15.....	1916	814 16	215 99	1,030 15
16.....	1917	846 73	183 42	1,030 15
17.....	1918	880 60	149 55	1,030 15
18.....	1919	915 82	114 33	1,030 15
19.....	1920	952 45	77 70	1,030 15
20.....	1921	990 20	39 95	1,030 15

SCHEDULE B.

Schedule B, referred to in the foregoing by-law.

Memorandum of agreement made and entered into the 30th day of May, A.D., 1901, between G. A. Burrows of Breslau, Ontario, manufacturer, of the first part, and the municipal corporation of the village of Paisley, of the second part.

Witnesseth that the said parties do hereby agree with each other in the manner following, namely :

1. The said party of the first part agrees, for the consideration herein-after mentioned, to erect in the Village of Paisley a brick building not less than 30 by 80 feet one storey high, suitable for a carpet factory, also a boiler and engine house, dry house not less than 28 by 28 feet two storeys high, also a dye house 20 by 25 feet one storey high, and complete each of said buildings in a suitable manner for the purposes for which they are intended.

2. The said party of the first part agrees to place in the said buildings in first class order the following machinery and other apparatus used for the purpose of manufacturing carpets : Two fringe looms, seven power carpet looms, one carpet roller, one twister, one coping machine, one spooling machine, eight hundred spools, one warping machine, one card stamper, one card cutter, one pattern designs, patterns, two beam trucks, yard bins, card shelves, two copp stands, one table, three birling tables, one wheelbarrow, seven dye tubs, one scouring machine, two stair carpet looms, one shearing machine, one set plumbing tools, one set fixers tools, two trucks, one boiler and engine from thirty-five to forty horse power capacity, together with shafting, pulleys, hangers, belting, heating pipes,

and

and other necessary machinery for the equipment of a modern carpet factory capable of employing thirty-five hands, which said machinery is of the value of \$11,000. Said machinery shall be free from all liens and encumbrances.

3. The said party of the first part agrees that in addition to the said machinery mentioned in the second paragraph hereof he will purchase and place in said buildings in running order one art square loom, but as time may be required by the builder of such art square loom to build such machine, the parties of the second part may withhold the sum of fifteen hundred dollars from the second instalment of the moneys hereinafter agreed to be advanced to the party of the first part, until the said art square loom is so provided and placed.

4. The party of the first part agrees to employ in said factory thirty-five hands for at least ten months in each and every year for twenty years next after the by-law as hereinafter mentioned shall be passed by the parties of the second part, and of the said number of hands at least seventeen must be men and the other eighteen may be boys or girls. The party of the first part may comply with this requirement by employing thirty-five hands as aforesaid on an average for each working day during a period of ten months in the aggregate each year, commencing in the year after the factory commences to run : the above mentioned buildings to be completed, machinery to be placed and factory to be running before the end of the year 1901.

5. The foregoing agreements are subject to the parties of the second part passing a valid by-law hereinafter mentioned as soon as it is possible to pass such a by-law after the execution of this agreement.

6. The said parties of the second part, for the purpose of promoting manufacturing within the said municipality agree to submit a by-law to the electors of Paisley to raise fourteen thousand dollars for a term of twenty years and loan the said sum of fourteen thousand dollars without interest to the said party of the first part as hereinafter provided : Provided that such by-law shall be assented to by the necessary majority of the electors of the said Village of Paisley to render the same valid. The said parties of the second part also agree to grant the said party of the first part exemption from all municipal taxes, except school taxes, upon or in respect of the said manufacturing establishment for ten years from the first day of January, 1902, and so far as in their power, also, to grant a renewal of such exemption for a further period of ten years, to take effect at the expiry of such first period, and they also agree to grant to the party of the first part for the said period of twenty years fire protection for said factory by extending and maintaining their water mains to within four hundred feet of the said factory. The said parties of the second part also agree that if the site selected for the said buildings by the said party of the first part shall not be nearer than 150 feet to a stream of flowing water, that they will at all times during the said term of twenty years, except when the waterworks system is unavoidably out of repair, supply the said party of the first part with water for said factory free of expense.

The said party of the first part is to erect a reservoir or tank in connection with his factory of the capacity of not less than 5,000 gallons, and the said parties of the second part agree to keep in the said tank or reservoir at all times, save as aforesaid for said period, sufficient water for the use of the said party of the first part on his premises as aforesaid, and the parties of the second part shall take all such proceedings and do all such acts as may be required by law to enable them lawfully to give effect to, and carry out, the provisions hereof.

7. The said sum of fourteen thousand dollars shall be loaned to the said party of the first part in manner following, namely :— 70 per cent. of the price of the said buildings to be erected to be paid to the said party of the first part as the buildings progress, upon estimates to be furnished by a competent inspector who is to be agreed upon by the parties of the first and second parts and if they fail to agree, then such inspector shall be appointed by the judge of the County Court of the County of Bruce on the application of either party hereto upon six days notice to

the

the other party, the charge or fee of such inspector if appointed by said judge or otherwise chosen to be paid, one half by each of the parties hereto ; the said 70 per cent. to be paid in four estimates, the first of such estimates to be paid when the said buildings shall have advanced 25 per cent. the second of such estimates when the said buildings shall have advanced 50 per cent. and the third estimate when the said buildings shall have advanced 75 per cent. towards completion and the fourth when the buildings are completed : \$2000 to be paid to the said party of the first part when said machinery arrives at the railway station at Paisley, \$2000.00 to be paid when the said machinery is in place in the said factory premises, \$3000.00 to be paid when the factory has been running for one week with eighteen hands employed and the remaining balance of said sum of \$14000.00 to be paid to the said party of the first part when the said factory is running and the full number of hands employed in the said factory, namely, thirty-five as above mentioned ; all the above payments to be made by way of loan for a period of twenty years from the date of the passage of the said by-law, but said loan to be repaid by the said party of the first part in manner hereinafter provided.

8. The said party of the first part agrees to give a first mortgage on the said real property and all plant and machinery fixed therein and keep the said property insured in the sum of not less than \$8000.00 in favour of the corporation of the Village of Paisley as security for the fulfilment of this agreement, and the said party of the first part further agrees to keep an average of thirty-five hands employed on an average for each working day for an aggregate of ten months in each and every year for twenty years as hereinbefore mentioned. And the said party of the first part agrees to pay back to the said corporation on account of the said loan the sum of one thousand dollars of lawful money of Canada on the thirty-first day of December, in the year 1907, and the sum of one thousand dollars on the thirty-first day of December, in each and every year thereafter until the whole of the said sum of \$14,000.00 has been repaid to the said parties of the second part, but without interest, and the party of the first part agrees to keep the said insurance for the said amount fully paid up and in force until the amount due to the said parties of the second part becomes less than the said insurance, when the said insurance may be reduced to the total amount due to the parties of the second part.

9. The said parties of the second part agree with the said party of the first part that when he has selected his site and erected his buildings thereon pursuant to this agreement that on the request of the said party of the first part the said parties of the second part shall and will exert all their influence with the Grand Trunk Railway Company in order to procure from the said railway company the construction of a railway switch or siding from the present line of railway to the factory premises of the said party of the first part.

10. The said party of the first part agrees to execute a mortgage upon all his said real property, including fixed plant and machinery above described and included in this agreement, in favor of the parties of the second part, such mortgage to be in the usual statutory form and to contain provisions that the same may be foreclosed by the parties of the second part should default be made by the said party of the first part in the agreement which he has entered into with the said parties of the second part as witnessed by these presents, and that such mortgage shall be executed when the first payment of the said loan of \$14,000.00 has been made as hereinbefore provided.

11. And it is further agreed that if the said party of the first part after the passage of a valid by-law aforesaid by the said Village of Paisley shall fail to erect and equip the said factory according to this agreement, that he will pay to the parties of the second part all expenses incurred by the council of the said village in connection with this agreement and the by-law from the date of these presents to the date of such failure.

12. This agreement shall be read and construed as if the agreements herein contained on the part of the party of the first part had been expressed throughout to be made by him for himself, his executors,

administrators

administrators and assigns, and as if the agreements and grants on the part of the parties of the second part had been expressed throughout to be made with and to the party of the first part and his executors, administrators and assigns.

As witness the hand and seal of the said party of the first part and the corporate seal of the parties of the second part the day and year first above written.

Signed, sealed and delivered in the presence of	{ (Sgd.) G. A. BURROWS [L.S.] (Sgd.) A. FISHER, Reeve.	{ L.S. Corp Seal Vill. of Paisley }
(Sgd.) ARCH. LITTLE, P.O. Dept., Guelph.		

CHAPTER 57.

An Act respecting the Township of Pelee.

Assented to 17th March, 1902.

WHEREAS the Corporation of the Township of Pelee is Preamble.
 desirous of aiding in the establishment of a more efficient steamboat service between the Township of Pelee and the main shore; and whereas the said corporation in order to aid Colin Wigle of the Town of Amherstburg, in the County of Essex, merchant miller, who has entered into an agreement with the said corporation to establish such service, or some other person or persons who will establish such service with a loan of seven thousand dollars; and whereas in order thereto a by-law of the municipal council of the said township authorizing the issue of debentures repayable with interest at the rate of five per centum per annum for the purpose of making such loan, has been submitted to the duly qualified electors of the said township and out of a total of 138 persons entitled to vote thereon, 11 of whom are non-residents, 67 persons voted for the by-law, and 15 persons against; and whereas by the petition of the said corporation it has prayed that an Act may be passed confirming and validating said by-law; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 136 of the Municipal Council of the Corporation of the Township of Pelee intituled "A By-law to authorize the Corporation of the Township of Pelee to aid by way of loan Colin Wigle or some other person or persons to establish a steamboat service between Pelee Island and the main shore and to authorize the issue of debentures of the Township of Pelee to the amount of seven thousand dollars therefor," (a copy of which by-law is contained in schedule A hereto), is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the Township of Pelee and the ratepayers thereof, anything in *The Municipal Act* or in any other Act to the contrary notwithstanding.

By-law No.
136 of Town-
ship of Pelee
confirmed.

Rev. Stat.
c. 223.

2. The debentures issued or to be issued under the terms of said by-law payable in each year for seven successive years to the amount of one thousand two hundred and nine dollars and sixty

Debentures
legalized.

sixty cents in each year of said term in order to repay the debt of seven thousand dollars created by said by-law and interest thereon at the rate of five per centum per annum, are hereby declared to be valid and binding upon the corporation when executed in the manner provided by said by-law.

SCHEDULE A.

By-Law No. 136.

A By-law to authorize the corporation of the Township of Pelee, to aid by way of loan Colin Wigle, or some other person or persons, to establish a steamboat service between Pelee Island and the main shore, and to authorize the issue of debentures of the Township of Pelee, to the amount of \$7,000 therefor.

Provisionally adopted Dec. 7th, 1901.

Finally passed Jan'y. 13th, 1902.

Whereas : it is advisable that transportation facilities between Pelee Island and the main shore of a more efficient character should be obtained and in order thereto it is deemed advisable to aid by way of loan Colin Wigle, of the Town of Amherstburg, merchant miller, in a sum not exceeding \$7,000 to be repaid by him in yearly sums of \$1,000 per year for seven years, without interest and upon the terms set forth in an agreement bearing date the 7th day of December, 1901, executed by the said Colin Wigle, and in the event of the said Wigle neglecting or refusing to carry out the terms of the said agreement then to some other person or persons who will enter into an agreement of a similar nature but subject to such modification as may be necessary and as the council of the said township may by by-law determine.

And whereas, in order thereto it will be necessary to issue debentures of the Township of Pelee, for the sum of \$7,000 as hereinafter provided (which is the amount of the debt intended to be created by this by-law,) the proceeds of the said debentures to be applied to the said purpose and to no other.

And whereas, it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of seven years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other six years of said period.

And whereas the total amount required to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,209.60.

And whereas the amount of the whole rateable property of the Township of Pelee, according to the last revised assessment roll is \$289,018.

And whereas the amount of the existing debenture debt of the said municipality is \$23,000, and no principal or interest in respect thereof is in arrear,

And whereas it is intended that this by-law shall be validated by a special Act of the Legislative Assembly of the Province of Ontario ;

Therefore, the municipal council of the corporation of the Township of Pelee, subject to ratification by special Act of the Legislative Assembly of the Province of Ontario, enacts as follows ;—

1. The municipal council of the said corporation are hereby empowered and enabled to lend to Colin Wigle upon the terms of said agreement bearing date the seventh day of December 1901, the sum of \$7,000 upon the terms hereinbefore set forth, in order to establish efficient transportation facilities between Pelee Island and the main shore.

2. In the event of the said Colin Wigle neglecting or refusing to carry out the terms of the said agreement the said municipal council are hereby empowered to enter into a similar agreement with some other person or persons subject to such modifications as the said municipal council may deem expedient.

3. The said municipal council may in case the person borrowing the money approves, alter or modify the terms of the agreement at any time provided such council considers it to be in the interest of the corporation to do so.

4. For the purposes of raising the sum to make such loan, debentures of the said township to the amount of \$7,000, with interest at the rate of five per centum per annum added, in sums of not less than \$100 each shall be issued and dated on the 15th day of March 1902, and shall be payable within seven years thereafter at the Traders Bank of Canada in the Town of Leamington.

5. Each of the said debentures shall be signed by the reeve and treasurer of the said township and the clerk shall attach thereto the corporate seal of the municipality.

6. The said debentures shall include interest at the rate of five per centum per annum and shall be payable and included with the principal of said debt in the debentures to be issued hereunder.

7. During the currency of said debentures there shall be raised annually by special rate on all rateable property in the said Township of Pelee the sum of \$1,209.60 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

8. This by-law shall take effect on the day that a special Act of the Legislative Assembly of the Province of Ontario, to validate and confirm this by-law, shall come into force.

9. The votes of the electors of the said township shall be taken on this by-law on the sixth day of January, 1902, at the Town Hall in said Township of Pelee commencing at the hour of nine o'clock in the morning and continuing till five o'clock in the afternoon by the clerk of the said municipality, the returning officer.

10. On Monday, the 30th day of December instant, the reeve of the said township shall attend at the council chamber at eleven o'clock in the forenoon to appoint persons to attend at the polling place aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of the by-law respectively.

11. The clerk of the council of the said Township of Pelee shall attend at the council chamber at ten o'clock in the forenoon of Tuesday the seventh day of January, 1902, to sum up the votes for and against the by-law.

Dated at the Town Hall in the Township of Pelee the 7th day of December, A.D. 1901.

WM. J. McCORMICK,
Reeve.

WILLIAM STEWART,
Township Clerk.

CHAPTER 58.

An Act respecting the Town of Perth.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Municipal Corporation of the Town of Perth in order to enhance the value of the debentures herein-after referred to, has by petition prayed for special legislation validating and confirming the by-laws, debentures and assessments hereinafter referred to; and whereas no objection has been raised to either of said by-laws and no opposition has been offered to their confirmation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws Nos
869 and 870
for issue of
debenture
confirmed

1. By-law No. 869 of the Municipal Corporation of the Town of Perth, finally passed by the municipal council of the said town of Perth on the 27th day of January 1902, providing for the issue of debentures to the amount of \$12,155.51, payable in twenty annual instalments, and bearing interest at the rate of 4 per cent. per annum, being the town's share of the cost of certain granolithic pavement improvements, and by-law number 870 of the said municipal corporation, finally passed by the municipal council of the said town on the said date, providing for the issue of debentures to the amount of \$5,031 payable in like manner, and bearing interest at the rate aforesaid, being the property owners' share of the cost of the said improvements, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof are hereby validated, confirmed and declared to be legal and binding upon the said municipal corporation.

(2) Notwithstanding anything in the said by-laws or in this Act contained the said property assessed thereunder shall be entitled to exemption upon the value of the land only and not of the improvements thereon from any general rate or assessment for the cost of construction of granolithic, asphalt, cement or brick sidewalks to the extent of one-third of such rate only.

CHAPTER 59.

An Act respecting the Town of Peterborough.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporation of the Town of Peterborough has by petition represented that by the Acts of the Province of Ontario, passed respectively in the 35th year of the reign of Her late Majesty Queen Victoria, chaptered 71, and in the 53rd year of the said reign, chaptered 99, the Corporation of the Town of Peterborough was authorized to aid by way of bonus the promotion of manufactures to an amount not exceeding in the whole \$40,000, provided that any by-law granting any such bonus should receive the assent of the majority of the qualified electors voting thereon; that the corporation on the 10th day of September, 1901, with the assent of the ratepayers in the manner required by law, and under and in accordance with the provisions of the said Acts, passed By-law No. 953 intituled "A by-law to aid The Canadian Cordage and Manufacturing Company, Limited," granting a bonus of \$4500 to The Canadian Cordage and Manufacturing Company, Limited, to aid the company as therein provided and, subject to the approval of the Legislature of the Province of Ontario being given thereto, fixing the assessment of the lands on which the said company proposed to erect its buildings at the sum of \$4,500 for the period of ten years, such sum being the amount of the assessment of the said lands for the year 1901, and that it is desirable and in the public interest of the ratepayers of the said town that such by-law should be confirmed and validated; and whereas the said municipal corporation has further represented that by By-law No 969 of the said municipal corporation passed on the 16th day of January, 1902, intituled "A By-law to authorize the purchase of the Peterborough Waterworks and the issue of Debentures to the amount of two hundred and thirty thousand dollars therefor," which said By-law had previously to the final passing thereof received the assent of the majority of the qualified ratepayers voting thereon, an agreement entered into between the said municipal corporation and The Peterborough Water Company for the purchase by the said municipal corporation from the company of their waterworks, lands, property, rights, privileges and appurtenances for the sum of \$230,000, was authorized and confirmed, and that by By-law No. 29 of The Peterborough Water Company, passed on the 23rd day of December, 1901, intituled "A By-law to authorize the sale of the Works and Property of The Peterborough Water Company to the Corporation of the

Preamble.

the Town of Peterborough," which said by-law was sanctioned by the vote of more than two-thirds in value of the shareholders of the said company, present in person or by proxy at a meeting of the said company duly called for considering the subject of the by-law, the sale of the waterworks and property of the said company to the said municipal corporation was authorized, and that such sale has been carried out and the purchase money paid, and it is desirable that both the said by-laws and the sale and purchase thereunder should be confirmed and validated, and that provision should be made for the election of water commissioners, and that the said municipal corporation by by-law to be passed by the council thereof without securing the assent of the ratepayers may authorize the issue of debentures not exceeding in any one year the sum of \$5,000, for the purpose of making extensions, improvements, repairs and alterations in the said waterworks; and whereas the said municipal corporation has further represented that the properties mentioned and referred to in the by-laws of the said municipal corporation and of the corporation of the Village of Ashburnham respectively set out in the Act passed in the 1st year of the reign of His Majesty King Edward the Seventh, chaptered 63, have been acquired by Robert Stuart therein named or his assigns, and The American Cereal Company, Limited, have proceeded with the erection and establishment of the works therein referred to on a much larger scale than originally contemplated and at a much greater cost than the sum of \$100,000, that in view of such increased works the same may not be completed within a year after the passing of the said Act as provided by the said by-laws respectively, and it is desirable and in the public interest that the time for the completion of such works should be extended to the first day of October, 1902, and that in the event of such works being taken over, acquired and operated by a Canadian Company the exemption from taxation in the said by-laws respectively contained should be extended to such Canadian company, its successors and assigns so taking over, acquiring and operating the said works, and that the said last mentioned Act should be amended accordingly; and whereas the Corporation of the Village of Ashburnham has by resolution of the council thereof consented that an Act may be passed to extend the time for the completion of the said works and extending the exemption from taxation in the said by-law of the Village of Ashburnham contained to a Canadian company, its successors and assigns so taking over, acquiring and operating the said works; and whereas the Corporation of the Town of Peterborough has by its petition prayed that an Act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. By-law Number 953 of the Corporation of the Town of Peterborough passed on the 10th day of September, 1901, intituled "A By law to aid The Canadian Cordage and Manufacturing Company, Limited," which by-law is set out in Schedule "A" hereto, is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof.

By-law No.
953 to aid
Cordage Co.
confirmed.

2. By-law No. 969 of the Corporation of the Town of Peterborough passed on the 16th day of January, 1902, intituled "A by-law to authorize the purchase of the Peterborough Waterworks and the issue of debentures to the amount of two hundred and thirty thousand dollars therefor," which by-law is set out in Schedule B hereto, and by-law No. 29 of The Peterborough Water Company passed on the 23rd day of December, 1901, intituled "A by-law to authorize the sale of the works and property of The Peterborough Water Company to the corporation of the Town of Peterborough," which said by-law is set out in Schedule C hereto, are confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof, and the purchase by the Corporation of the Town of Peterborough from The Peterborough Water Company of the waterworks, lands, property, rights, privileges and appurtenances of the said company and the sale thereof by the said company is hereby confirmed and validated.

By-laws of the
Town of
Peterborough
and Peter-
borough
Water Co.
validated.

3. It shall be lawful for the Council of the Corporation of the Town of Peterborough without the assent of the ratepayers of the said municipality to pass by-laws from time to time providing for and authorizing the borrowing on the credit of the said waterworks and the said municipality, of any sum or sums of money not exceeding in any one year the sum of \$5,000 for the purpose of making extensions, repairs, improvements and alterations in said waterworks, and to issue the debentures of the said municipal corporation therefor, to be called waterworks debentures, and to sell, pledge, hypothecate or dispose of the same, and the provisions of section 36 of *The Municipal Waterworks Act* and of sections 396, 397, 399, 400, 401, 429 and 431 of *The Municipal Act* shall apply to any by-law passed or any debentures issued under the provisions hereof, and the provisions of section 37 of *The Municipal Waterworks Act* may be made to apply to any such by-law, but the said by-laws shall, after the passing thereof, require the approval of the Lieutenant-Governor in Council and after receiving such approval shall be legal, valid and binding.

The council of
the Town of
Peterborough
authorized to
borrow money
on the credit
of the
waterworks.

Rev
c. 235.

Rev. Stat.
c. 223.

4. Hereafter the water commissioners to manage the municipal waterworks of the Town of Peterborough shall consist of a board of three commissioners, none of whom shall be a member of the council, who shall be elected as follows: At the next annual municipal election three commissioners shall be elected, at which election each elector shall be entitled to vote for three candidates for the office of commissioner, and the

Water
commissioners

one receiving the highest number of votes shall be elected for three years, the one receiving the next highest number of votes shall be elected for two years, and the third shall be elected for one year : provided that if the commissioners are elected by acclamation, or in case any two or more shall receive an equality of votes, the mayor of the said town shall within three days thereafter and at a time and place of which the said commissioners shall have received notice, decide by lot which one of them shall serve for the longer term. Thereafter one commissioner shall be elected each year for a term of three years, at the time of the annual municipal election, and the commissioners shall be elected in the same manner as the head of the council. In case of a vacancy for any cause or causes occurring at any time on the board, the municipal council of the said town shall forthwith by by-law appoint a commissioner to hold office until the next annual election, when a new commissioner shall be elected to fill the said vacancy, who shall hold office for the residue of the term of the commissioner whose seat during the previous year had become vacant, and the ballots used at the election to fill such vacancy shall be ballots separate from any ballots used at the time of such election for any other purpose. The said commissioners shall in all respects, except as herein provided, be subject to and enjoy all the powers, rights, authorities and immunities conferred by the provisions of *The Municipal Waterworks Act*, and all the provisions of *The Municipal Waterworks Act*, except in so far as they are inconsistent with the provisions of this Act, but including section 44 of the said Act, shall apply to the said waterworks and their management, and the commissioners elected hereunder.

Rev. Stat.
c. 235.

Time for
completion
of works of
Cereal Co.
extended.

5. The by-laws set out in Schedules A and B to Chapter 63 of the Acts passed in the first year of the reign of His Majesty, King Edward the Seventh are hereby amended by extending the time limited by sub-section (c) of section 2 of each of the said by-laws for the establishment of the works therein referred to, until the first day of October, 1902, and by extending the exemption from taxation of personal property and income in each of the said by-laws contained, to the personal property and income of The Dominion Cereal Company, Limited, its successors and assigns, upon the said company acquiring and taking over the said works; provided always that such exemption shall not apply to personal property or income not connected with the carrying on of the said works.

SCHEDULE A.

By-LAW No 953.

A By-law to aid the Canadian Cordage and Manufacturing Company, Limited.

Passed the 10th day of September, 1901.

Whereas by the Acts of the Legislature of the Province of Ontario, 35 Victoria, Chapter 71, and 53 Victoria, Chapter 99, it is enacted and provided, amongst other things that it shall and may be lawful for the Corporation of the Town of Peterborough to aid by way of bonus the promotion of manufactures in or about the Town of Peterborough to the extent and in the manner therein provided, and amongst other things by acquiring any lands or buildings and granting the same or the use thereof to any person or persons or body corporate for manufacturing purposes, and that the by-law granting such bonus shall have been submitted to and approved of by the majority of the qualified electors voting thereon in the same manner as with money by-laws requiring the assent of the electors.

And whereas the Canadian Cordage and Manufacturing Company, Limited, have represented to the Council of the Town of Peterborough that they propose to establish in the said Town a manufactory of binder twine, rope and cordage, and to erect two substantial brick buildings, one of which will be ninety feet wide by three hundred feet long, and the other fifty feet wide by two hundred feet long, and to instal therein within one year forty-five thousand dollars worth of machinery, the plant to have a capacity of five tons of binder twine per day and three tons of rope and cordage per day, and to give employment to about seventy-five hands, and have applied to the Council for aid in the establishment of such manufactory by the granting of Four thousand five hundred dollars for the purchase of Lots Numbers Eight and Nine South of Perry Street and West of George Street in the Town of Peterborough, and Lots Numbers Eight and Nine North of Lake Street and West of George Street in the said Town of Peterborough, and by granting partial exemption from taxation subject to the approval of the Legislature by fixing the assessment of the said property as hereinafter mentioned.

And whereas it is desirable and in the public interest to encourage the promotion of said manufacturing establishment as aforesaid ;

And whereas it will be necessary to borrow by the issue of debentures the said sum of four thousand five hundred dollars ;

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll being for the year 1901 is the sum of four million two hundred and ninety-four thousand seven hundred and ninety-five dollars ;

And whereas the amount of the existing debenture debt of the municipality exclusive of the local improvement debt is the sum of two hundred and fifty-three thousand and forty-one and 67-100 dollars, and there is no part of the principal or interest in arrear ;

And whereas for the purpose of paying the interest on the said debentures and providing a sinking fund for the payment of same at maturity it will be necessary to raise each year during the currency of the said debentures by special rate the sum of \$339.13 ;

The corporation of the Town of Peterborough, by the council thereof, therefore enacts as follows :—

1. This by-law shall take effect on the date of the final passing thereof as to all the provisions thereof except those relating to the fixing of the assessment of the said company, and as to so much of the said by-law as relates to the fixing of the assessment of the said company, the same shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario, and in the event of such confirmation not being obtained and until such confirmation shall be obtained if at all the remainder of said by-law shall be in full force and effect.

2.

2. It shall and may be lawful for the said corporation to borrow the sum of four thousand five hundred dollars and to issue debentures of the said Corporation of the Town of Peterborough for the said sum of four thousand five hundred dollars, such debentures to be sealed with the Corporate Seal of the Town of Peterborough and to be signed by the mayor and treasurer and countersigned by the secretary of the commissioners of the Peterborough Town Trust, to be payable within twenty years after the issue thereof and to bear interest at the rate of four per cent. payable half yearly, on the thirtieth day of June and the thirty-first day of December in each year and to have coupons attached thereto for the payment of such interest. Such debentures, as to principal and interest to be payable at the office of the secretary of the commissioners of the Peterborough Town Trust in the Town of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all of the property in the Town of Peterborough liable thereto the sum of \$180.00 for payment of the interest and \$159.13 as a sinking fund for the payment of the said debt at the maturity thereof making together the sum of \$339.13.

3. The proceeds of the said debentures for the sum of four thousand five hundred dollars when sold shall be given to the Canadian Cordage and Manufacturing Company, Limited, to aid the said company in the promotion of the said manufacturing establishment by the payment of the purchase money of the said lands upon and only upon and subject to the terms and conditions hereinafter mentioned and until the said conditions shall have been fully performed and satisfied the said company shall not be entitled to the said moneys or to any interest in or right to the same.

The conditions upon which the said grant shall be made are as follows:—

(a) The said company shall on or before the fifteenth day of July, 1902, erect and complete two substantial brick buildings for the purpose of their manufactory, one of which shall be not less than ninety feet wide by three hundred feet long and of suitable and proportionate height, and the other not less than fifty feet wide by two hundred feet long and of suitable and proportionate height.

(b) That the company shall on or before the fifteenth day of July, 1902, instal in the said buildings at least forty-five thousand dollars worth of machinery for the manufacture of binder twine, rope and cordage.

(c) That the plant so established and installed shall have a capacity of five tons of binder twine per day and three tons of rope and cordage per day in addition to such binder twine.

(d) That the company shall on or before the fifteenth day of July, 1902, have the said manufacturing establishment in running order, and in actual operation and employ at least seventy-five hands.

(e) That the conveyance of the said lands to the company shall contain and be subject to the condition that in the event of the said land within the period of ten years from the conveyance thereof to the said company ceasing to be *bona fide* used for the manufacture of binder twine, rope and cordage or other manufacturing business approved by the town council substantially according to the capacity thereof, for the period of twelve consecutive months, then the said lands shall revert to and become the absolute property of the corporation of the Town of Peterborough and free from any claim thereto of the said company or their assigns unless the said company or their assigns shall within six months after such period of twelve months for which the said lands shall have ceased to be used as aforesaid, pay to the corporation of the Town of Peterborough the full sum of four thousand five hundred dollars provided always that in the event of the failure to use said lands as aforesaid being due to strikes or destruction of the buildings or machinery by fire or tempest the time during which the said lands shall so cease to be used in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted in the said period of twelve months to entitle the corporation to resume the ownership of said lands or to be paid the value of the said lands as aforesaid. The conveyance of said lands to be in form approved by the town solicitor for most effectually protecting the interests of the town corporation.

5. Subject to the provisions of this paragraph being confirmed by the Legislature of the Province of Ontario the assessment of the said lands including the buildings, machinery and plan thereon, shall be fixed at the sum of four thousand five hundred dollars for the period of ten years commencing on the first day of January, 1902, and the return and oath of the assessor in respect thereof shall be amended accordingly.

6. The votes of the duly qualified electors of the Town of Peterborough shall be taken upon this by-law on Tuesday the 13th day of August, 1901, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day at the following polling places and before the following deputy returning officers respectively, that is to say :—

WARD NO. ONE.

Polling sub-division No. 1. At M. H. Halpin's store, corner of Perry and George streets ; Angus Williams to be deputy returning officer.

Polling sub-division No. 2. At Lewis Spry's shop, Stewart street ; Joseph Lundy to be deputy returning officer.

WARD NO. TWO.

Polling sub-division No. 3. At the Town council chamber ; Charles Cameron to be deputy returning officer.

Polling sub-division No. 4. At Greene Bros.' store, Charlotte street ; Mendel Greene to be deputy returning officer.

WARD NO. THREE.

Polling sub-division No. 5. At J. & W. Metheral's shop, Aylmer street ; Joseph Metheral to be deputy returning officer.

Polling sub-division No. 6. At Wm. McCall's shop, McDonnell street ; John Irwin to be deputy returning officer.

WARD NO. FOUR.

Polling sub-division No. 7. At Wm. Lee's shop, Smith street ; George W. Powell to be deputy returning officer.

7. The 14th day of August, 1901, at the hour of twelve o'clock noon, and the office of the Town Clerk are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and against the by-law.

8. The 12th day of August, 1901, at the hour of twelve o'clock noon, and the office of the Town Clerk are hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passing of the by-law respectively.

(Sgd) G. M. ROGER,
Presiding Officer.

[L. S.]

(Sgd) S. R. ARMSTRONG,
Town Clerk.

SCHEDULE B.

By-Law No. 969.

A By-law to authorize the purchase of the Peterborough Waterworks and the issue of Debentures to the amount of Two Hundred and Thirty Thousand Dollars therefor.

Passed the 16th day of January, 1902.

Whereas it is in the interest of the corporation of the Town of Peterborough and of the citizens and ratepayers of the said town to purchase and acquire from the Peterborough Water Company the waterworks

owned

owned by them, and to carry the same on under the provisions of *The Municipal Waterworks Act*.

And whereas an agreement has been made for the purchase by the corporation from the said company of the said waterworks and appurtenances at the price or sum of two hundred and thirty thousand dollars, payable on or before the thirty-first day of January, nineteen hundred and two, with interest at the rate of six per cent. per annum from the first day of January, 1902, the corporation to receive as against such interest the revenues of the said waterworks from the same date less the cost of operating, maintaining and renewing the said works as therein more fully set out, which purchase is subject to ratification by the ratepayers of the said town.

And whereas for the purpose of carrying out such purchase it will be necessary to borrow the sum of two hundred and thirty thousand dollars by the issue of debentures of the said corporation for the said sum as hereinafter provided, which sum of two hundred and thirty thousand dollars is the amount of the debt hereby intended to be created.

And whereas the total amount required to be raised annually by special rate for paying the said debt and interest is the sum of Thirteen thousand four hundred and fifty-nine 43-100 dollars.

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll, being the roll revised and confirmed on or about the fifth day of December, nineteen hundred and one, is the sum of Four millions three hundred and eighty-eight thousand four hundred and forty-five dollars.

And whereas the amount of the existing debenture debt of the municipality, exclusive of local improvement debts secured by special acts, rates or assessments, is the sum of Two hundred and seventy-one thousand one hundred and twenty 90-100 dollars, and there is no part of the principal or interest in arrear.

The Corporation of the Town of Peterborough by the council thereof therefore enacts as follows. —

1. This by-law shall take effect on the day of the final passing thereof.
2. The purchase by the Corporation of the Town of Peterborough from the Peterborough Water Company of the said waterworks and appurtenances at the price aforesaid is hereby authorized and confirmed.
3. For the purpose aforesaid the sum of two hundred and thirty thousand dollars is hereby authorized to be borrowed by the said corporation and debentures of the said corporation for the said sum of two hundred and thirty thousand dollars are hereby authorized to be issued, to be sealed with the corporate seal and signed by the mayor and treasurer and countersigned by the secretary of the Commissioners of the Peterborough Town Trust.
4. Such debentures shall be made payable within thirty years from the issue thereof and shall bear interest at the rate of three and three-quarters per cent. per annum, and shall have coupons attached thereto for the payment of the interest, and shall be payable as to principal and interest at the office of the Secretary of the Commissioners of the Peterborough Town Trust, or at such other place, whether in Canada or elsewhere as the council may by by-law to be passed without the assent of the ratepayers fix and determine as to all or any of such debentures, and such payment shall be made on presentation of such debentures or coupons as the case may be.
5. The said waterworks and the lands acquired for the purpose thereof shall be specially charged with the repayment of the said sum of two hundred and thirty thousand dollars to be borrowed as aforesaid by the corporation for the purpose of such purchase and for the debentures to be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, waterworks and the property appertaining thereto and on all the revenues arising therefrom after providing

for the expenses attendant upon the operation and maintenance of the waterworks, for securing the payment of the said debentures and the interest thereon, and the said debentures and interest shall also be charged upon the whole rateable property in the municipality.

6. Subject to the provisions of sub-section 2 of this section, for the period of thirty years commencing with the year nineteen hundred and two, during the currency of the debentures there shall be raised annually by special rate on all the rateable property in the municipality for the payment of interest the sum of eight thousand six hundred and twenty-five dollars, and for the payment of the debt the sum of four thousand eight hundred and thirty-four 43-100 dollars, making together the annual sum of thirteen thousand four hundred and fifty-nine 43-100 dollars.

(2) Provided, however, that the revenues arising from the said waterworks as aforesaid shall first be applied towards payment of such debentures and interest, and after so applying the moneys arising from such revenues, less the expenses of operation and maintenance, the council shall only be required to raise in each year by special rate on all the rateable property in the municipality a sum sufficient with the moneys arising from such revenues to make up the said annual sum of thirteen thousand four hundred and fifty nine 43-100 dollars, required for payment of the principal and interest of such debentures.

7. The said moneys so borrowed shall be used and applied in payment of the purchase money of said waterworks and for no other purpose.

8. The said waterworks when purchased shall be managed by a board of commissioners of whom the head of the council shall *ex-officio* be one, and the remainder of whom shall be elected or appointed in accordance with provisions of *The Municipal Waterworks Act* and amendments thereof, the number of such commissioners to be three, provided always that the council may by by-law which it shall not be necessary to submit to the ratepayers at any time increase or alter the number of commissioners, but so that the same shall not be less than three nor more than five in number and such board of commissioners shall exercise and enjoy the powers, rights, authorities and immunities conferred by *The Municipal Waterworks Act* upon the municipal corporation.

9. The votes of the duly qualified ratepayers of the Town of Peterborough shall be taken on this by-law on the sixth day of January next at the following places and before the following deputy returning officers, commencing at the hour of nine o'clock in the forenoon and ending at the hour of five o'clock in the afternoon of the same day, that is to say:—

Polling Division No. 1.—At M. H. Halpin's Store, corner George and Perry Streets, A. Williams to be Deputy Returning Officer.

Polling Division No. 2.—At Lewis Spry's Shop, Stewart Street, Joseph Lundy to be Deputy Returning Officer.

Polling Division No. 3.—At the Town Council Chamber, Charles Cameron to be Deputy Returning Officer.

Polling Division No. 4.—Greene Bros.' Store, corner Charlotte and Downie Streets, Mendel Greene to be Deputy Returning Officer.

Polling Division No. 5.—At J. & W. Metheral's Shop, Aylmer Street, Joseph Metheral to be Deputy Returning Officer.

Polling Division No. 6.—At William McCall's Shop, corner Reid and McDonnell Streets, John Irwin to be Deputy Returning Officer.

Polling Division No. 7.—At William Lee's Shop, Smith Street, George W. Powell to be Deputy Returning Officer.

10. The Seventh day of January, 1902, at the hour of 12 o'clock noon, and the office of the Town Clerk are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and against the By-law.

11. The Third day of January, 1902, at the hour of 12 o'clock noon, and the office of the Town Clerk, are hereby fixed as the time and place
for

for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the by-law respectively.

(Sgd.) T. H. G. DENNE,
Mayor.

(Sgd.) S. R. ARMSTRONG,
Town Clerk.

SCHEDULE C.

THE PETERBOROUGH WATER COMPANY.

By-law No. 29.

A By-law to authorize the sale of the works and property of the Peterborough Water Company to the Corporation of the Town of Peterborough.

Whereas an agreement has been made and entered into for the sale of the company's works and property to the corporation of the Town of Peterborough at the price or sum of two hundred and thirty thousand dollars payable on or before the thirty-first day of January, one thousand nine hundred and two, with interest at the rate of six per cent. per annum from the first day of January, one thousand nine hundred and two, which sale was made subject to ratification of same by the shareholders of the company and by the ratepayers of the corporation ;

And whereas it is in the interest of the company that such sale should be made at and for the price aforesaid to the corporation of the Town of Peterborough and that for the purposes aforesaid the said agreement should be ratified by by-law of the company at a special general meeting of the said company duly called for that purpose ;

Therefore the Peterborough Water Company enacts as follows : That said in part recited agreement for the sale of the company's works and property to the corporation of the Town of Peterborough be and the same is hereby ratified, subject always to the ratification of same by the ratepayers of the said corporation ;

And that *the* said The Peterborough Water Company be authorized and instructed to execute under the hand of its president and secretary-treasurer and place the corporate seal of the said company on any and all deeds, documents or conveyances necessary and requisite for the proper and effectual carrying out of said sale for the price aforesaid to the corporation of the Town of Peterborough.

Dated at Peterborough this 23rd day of December, A.D., 1901.

(Sgd.) R. A. MORROW,
President P. W. Co'y.

(Sgd.) G. W. HATTON,
Sec.-Treas. P. W. Co'y,

[Corporate Seal of Company.]

CHAPTER 60.

An Act respecting the Village of Point Edward.

Assented to 17th March 1902.

WHEREAS the Municipal Corporation of the Village of Point Edward has by petition represented that, being desirous of increasing the shipping and manufacturing business of the said village, and thereby materially advancing its interests, an agreement has been entered into between the said municipal corporation and G. A. Crosby and Company of Ontario, Limited, a copy of which said agreement is set forth in Schedule A to this Act, for the construction and operation of a manufactory in said village upon the terms and conditions in the said Schedule A set forth; that the said municipal corporation has agreed to aid the said G. A. Crosby and Company of Ontario, Limited, in the erection of the said manufactory by granting a bonus of \$10,000 towards the cost thereof and by granting certain exemptions from taxes, as set forth in the said Schedule A, and that for the purposes aforesaid a by-law has been submitted to the ratepayers entitled to vote thereon under the provisions of *The Municipal Act*, and has received the assent of a large majority of the said ratepayers, 211 having voted for the said by-law out of a total number of 230 ratepayers qualified to vote thereon, and no ratepayer having voted against the same, and the said by-law has been finally passed by the said municipal corporation; and whereas the said municipal corporation has by petition represented that being desirous of further increasing the shipping and manufacturing business of the said village and thereby materially advancing its interests, the said municipal corporation has also entered into an agreement with The Botsford Jenks Company of Port Huron, Michigan, for the construction and operation of a steel grain elevator of one million bushels capacity in the said village upon the terms and conditions contained in the by-law, a copy of which is set forth in Schedule B to this Act, and that the said municipal corporation has agreed to aid the said The Botsford Jenks Company of Port Huron, Michigan, in the erection of the said grain elevator by granting certain exemptions from taxation and by fixing the assessment for school purposes as set forth in the said by-law, Schedule B; and that the said by-law, Schedule B, has been duly submitted to the said ratepayers of the said village entitled to vote thereon under the provisions of *The Municipal Act* and has received the assent of a large majority of the said ratepayers, 212 having voted for the said by-law and only one against the same, and the said by-law has been finally passed by

by the said municipal corporation; and whereas it appears by the said petition that the said G. A. Crosby and Company, of Ontario, Limited, has expended about the sum of \$100,000 on the said manufactory, and is employing 160 men in and about the said work in the said village, and that the said The Botsford Jenks Company of Port Huron, Michigan, has commenced the work of constructing the said grain elevator; and whereas the said municipal corporation has by its petition prayed that the said respective agreements and by-laws may be confirmed and declared legal and valid, and that the said municipal corporation may be authorized and empowered to issue debentures for the said sum of \$10,000, as provided in the said by-law, to aid the said G. A. Crosby and Company of Ontario, Limited, and to grant to the said respective companies the exemptions from payment of taxes, and the other rights and privileges set forth in the said respective by-laws, Schedules A and B to this Act; and whereas no opposition by or on behalf of any ratepayer has been offered to the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

Agreement confirmed.

1. The agreement referred to in the above preamble and set forth in Schedule A to this Act is hereby ratified, confirmed and made valid, in the same manner and to the same extent, as if set out and incorporated in this Act.

By-laws confirmed.

2. The said by-laws of the Corporation of the Village of Point Edward set out in Schedules A and B to this Act are each hereby confirmed and declared to be valid and to be binding upon the corporation of the said village and the ratepayers thereof to the same extent as if set out and incorporated in this Act notwithstanding anything in any Act to the contrary.

Authority to borrow \$10,000.

3. The said municipal corporation is hereby authorized and empowered to borrow the said sum of \$10,000 and to issue debentures therefor repayable in the manner and for the amounts set forth in the said by-law, Schedule A to this Act.

School rates not affected.

4. Provided, that notwithstanding anything to the contrary in this Act contained, the said by-laws or agreements shall not be deemed to authorize the waiver or remission of rates for school purposes or any exemptions in respect thereof.

SCHEDULE A.

BY-LAW No. 182.

Provisionally passed this first day of June A. D., 1901.

A by-law to raise the sum of ten thousand dollars for the purpose of assisting by way of bonus "G. A. Crosby and Company of Ontario, Limited

ted " to aid in the construction and operation of a manufactory within the village of Point Edward for the manufacture of machinery and of goods and wares manufactured from metals and to issue debentures therefor and to authorize the levying of a special rate for the payment of said debentures and interest, and to regulate the assessment of the property of the said Company.

And whereas the said " G. A. Crosby and Company of Ontario, Limited, have proposed to establish a factory at the Village of Point Edward for the manufacture of machinery and of goods and wares manufactured from metals, and to expend a large sum of money in the construction and operation of said factory, and to employ a large number of hands not less at any time than fifty men continuously in the operation of the said plant and works, upon receiving from the said Village the bonus and exemption from taxation hereinafter mentioned.

And whereas the corporation of the Village of Point Edward is desirous of aiding the said company in the construction and operation of a manufactory for the manufacture of machinery and of goods and wares manufactured from metals by granting to said company a bonus of ten thousand dollars, and exempt the property of the said company from assessment for general purposes and fix the assessment on which school rates should be paid for twenty years on the conditions and stipulations hereinafter contained, and for the purpose of raising such bonus monies, intends by this by-law to create a debt upon the said corporation of ten thousand dollars with interest thereon at the rate of two and a half per cent. per annum by the issue of debentures to the amount of ten thousand dollars payable as hereinafter provided.

And whereas the municipal council of the said Village have determined that the said debentures shall be payable in annual instalments within twenty years from the day on which this by-law takes effect, such instalments to be of such amounts that the aggregate amount payable for principal and interest shall be the same in each year of said term of twenty years.

And whereas the whole rateable property of the said Village of Point Edward according to the last revised assessment roll for said Village is the sum of \$183,020.00.

And whereas there is no existing debt of the said Village of Point Edward secured by debenture.

And whereas for paying off said principal sum of ten thousand dollars and interest at the rate aforesaid it will be necessary to raise in the several years hereinafter mentioned the following sums, that is to say :—

Year.	Interest.	Principal.	Total.
1902	\$250.00	\$391.47	\$641.47
1903	240 21	401 26	641 47
1904	230 18	411 29	641 47
1905	219 90	421 57	641 47
1906	209 36	432 11	641 47
1907	198 56	442 91	641 47
1908	187 48	453 99	641 47
1909	176 13	465 34	641 47
1910	164 50	476 97	641 47
1911	152 58	488 89	641 47
1912	140 35	501 12	641 47
1913	127 83	513 64	641 47
1914	114 98	526 49	641 47
1915	101 82	539 65	641 47
1916	88 33	553 14	641 47
1917	74 50	566 97	641 47
1918	60 33	581 14	641 47
1919	45 80	595 67	641 47
1920	30 91	610 56	641 47
1921	15 65	625 82	641 47
\$2829 40		\$1000 00	\$12829 40

being the aggregate amount for principal and interest to be paid in each and every year according to the statute in such case made and provided.

Therefore the Municipal Council of the Village of Point Edward enacts as follows :—

1. It shall and may be lawful for the corporation of the Village of Point Edward to aid and assist the said G. A. Crosby and Company of Ontario Limited, by giving the said company ten thousand dollars by way of bonus to aid in the construction and operation of said manufactory, provided always that the said company shall before being entitled to be paid oversaid sum, have the said manufactory constructed and fully complete and in active running operation, employing at least fifty men and subject to the further provisions hereinafter set out.

2. It shall be lawful for the Reeve of said Village of Point Edward to borrow for the purpose aforesaid the said sum of ten thousand dollars and issue debentures of the said municipality to the amount of twelve thousand eight hundred and twenty-nine dollars and forty cents being the total amount of the said amount authorized to be borrowed as aforesaid, in sums of not less than six hundred and forty-one dollars and forty-seven cents each, payable in the manner and for the amounts and at the time respectively set forth in the above recitals to this by-law, such debentures to be issued upon this by-law being confirmed by the legislature of the Province of Ontario.

3. The said debentures shall be payable at the office of the Treasurer of the said Village.

4. It shall be lawful for the Reeve of the said municipality, and he is hereby authorized and instructed to sign and issue said debentures hereby authorized to be issued, and cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures.

5. Separate debentures shall be issued for the total sum so payable each year for principal and interest namely \$641.47 and shall be payable on the 31st day of December in each year.

6. There shall be raised and levied in each year by a special rate on all the rateable property in said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same becomes respectively payable, according to the provisions of this by-law.

7. The said sum of ten thousand dollars when raised as aforesaid shall upon the said company completing said manufactory and having it in active operation, employing at least fifty men, be paid to the said company.

8. The real and personal property of the said company, its successors and assigns, within the village used in connection with its said business now, or hereafter acquired, (not however including any dwelling property) shall be exempt from all assessment and taxes except for assessment and taxes for school purposes for twenty years from the first day of July, 1901, and the assessment for school purposes shall be and is hereby fixed, during said twenty years, at an annual assessment of \$5,000.00 :

9. That the said bonus of ten thousand dollars is given to the said company and the adjustment of the assessment of the said company's property within the said village is given and made upon the following conditions provisos and stipulations.

(a) That the said company shall, before becoming entitled to be paid said bonus or have the assessment of its property fixed as aforesaid, have constructed and completed, a manufactory within the said village for the manufacture of machinery and of goods and wares manufactured from metals and in active operation, employing in the conduct of its business and manufacturing operations within the said village at least fifty men.

(b) That not less than fifty men shall be continuously employed by said company in the operation of its said plant within the village, provided however that should it become necessary for the company to temporarily shut down by reason of the works being injured by fire or by any other

event

event beyond the control of the company it shall not be necessary for the company to employ said number of men whilst being so temporarily shut down.

(c) That the workmen employed by the company in carrying on its said works, shall as far as possible, be residents of the Village of Point Edward.

(d) The said company and James Lewis Board, one of the Board of Directors thereof, shall undertake with and guarantee to the said corporation of the Village of Point Edward that in the event of the said company its successors or assigns closing its works or ceasing to employ at its works in Point Edward fifty men continuously, unless for a temporary period or periods for causes beyond its control, then the said company, its successors and assigns and the said James Lewis Board shall deliver up to the said corporation of the Village of Point Edward all debentures then outstanding and unpaid for cancellation, or shall then pay to the said corporation such an amount as shall be sufficient to meet said unpaid debentures as the same fall due, in the option of the said company, its successors and assigns and the said James Lewis Board.

And in the event of the said company closing its works or ceasing to employ at its works in Point Edward fifty men continuously unless for a temporary period or periods for causes beyond its control, then the provisions in this by-law for exemption from taxation and for fixing the assessment for school purposes shall become void and of no effect.

10. That none of the provisions of this by-law (if any) which are beyond the jurisdiction of the said council to enact shall come into force or operation until it is confirmed by an Act of the Legislature of the Province of Ontario, which Act the said company shall, at its own expense, procure to be passed at the next sittings of said Legislature, and the said municipal corporation shall join with the company in procuring such legislation.

11. This by-law shall not be binding on the said corporation or the said bonus be paid or debentures delivered over unless and until an agreement which shall legally bind the said company and the said James Lewis Board to comply with, observe and perform all the agreements, obligations, terms and conditions herein provided to be by the said company and the said James Lewis Board, or either of them, to be undertaken, observed or performed.

12. The votes of the ratepayers of the said municipality qualified to vote on money by-laws shall be taken on this by-law in the several polling divisions appointed in said village for electoral purposes, and for that purpose the following persons shall be deputy returning officers, and the following shall be the polling places for the taking of votes:—

Polling sub-division No 1, at Oddfellows' Hall, Deputy Returning Officer John McCleister.

Polling sub-division No. 2, at Council Chamber, Returning Officer John F. O'Neill.

13. All such votes shall be taken on Thursday, the fourth day of July, A.D. 1901, at said several places named for votes to be taken in said several polling sub-divisions between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and the clerk of the said village shall on the fifth day of July, 1901, at the hour of noon in the council chamber in the village sum up the number of votes for and against the said by-law, and on the third day of July, A.D. 1901, at the hour of noon at the place last mentioned the reeve of the said village shall appoint in writing, signed by him, two persons to attend on the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

Finally passed 5th day of August, A.D. 1901.

J. F. O'NEIL,
Clerk.

W. O. PARSONS,
Reeve

SCHEDULE

SCHEDULE B.

BY-LAW No. 186.

A by-law to exempt the Botsford-Jenks Company, of Port Huron, Michigan, from payment of Municipal Taxes excepting School Taxes.

Whereas the Botsford-Jenks Company of Port Huron, Michigan, has proposed to erect in the Village of Point Edward, in the County of Lambton, a steel elevator of one million bushels capacity, and the necessary plant connected therewith for the purposes of elevating, shipping and storing grain.

And whereas in the opinion of the council of the Corporation of the Village of Point Edward it is expedient in the interests of the said village, to partially exempt from taxation, the said The Botsford-Jenks Company of Port Huron, Michigan.

Therefore the Municipal Council of the Corporation of the Village of Point Edward enacts as follows:—

1. That for and during the term of ten years from the final passing of this by-law, the following described lands in the Village of Point Edward, in the County of Lambton, namely:—Commencing at a point two thousand five hundred and sixty-seven feet southerly from the south boundary of Michigan Avenue on a line drawn at right angles to the said south boundary of Michigan Avenue, said right angled line being three hundred and thirty-two feet, westerly measured along the said south boundary of Michigan avenue from the west limit of the unnumbered lot, Block A, on the south side of Michigan avenue. All the above particulars have reference to a plan and survey made by Geo. Robinson, P.L.S., in August, 1871, of the Village of Huron, which is now called the Village of Point Edward, Then proceeding from aforesaid point of commencement at an angle of seventy-four degrees and forty-four minutes west from aforesaid right angled line produced, a distance of five hundred feet to the westerly face of the present crib work of dock, thence at right angles to the said last course along face of said dock three hundred feet, thence at right angles to last course five hundred feet, thence in a direct line three hundred feet to the place of beginning, containing one hundred and fifty thousand square feet, together with the elevator to be erected thereon and all buildings, machinery, plant, land and personal property used in connection with said elevator, and all other land, buildings, plant, machinery and personal property, which during the said period or any renewal thereof may be used by the said The Botsford-Jenks Company of Port Huron, Michigan, or its assigns, in connection with or employed in connection with the elevator business and the said business of elevating, shipping and storing grain, be, and the same is hereby exempted from all municipal taxation, upon all assessments upon the said real and personal property during the said period of ten years except for school purposes only.

2. That the assessment of The Botsford-Jenks Company of Port Huron, Michigan, for school purposes upon the said real and personal property be and the same is hereby fixed at the sum of twenty thousand dollars for the said period of ten years from the final passing of this by-law, and for any renewal thereof, and it is distinctly understood and agreed that no taxes, special or otherwise, except for school purposes only, shall be levied upon the said premises and personal property, and that the said assessment shall not be increased during the said period of ten years or any renewal thereof.

3. Provided that it shall be competent for the said municipal council in its discretion by by-law to grant a renewal of such exemption and of such assessment fixed at the sum of twenty thousand dollars for a further period not exceeding ten years from the expiration of the said term of ten years fixed by this by-law.

4. Provided also that it shall be competent for the said The Botsford-Jenks Company of Port Huron, Michigan, to assign its rights under this by-law to a company to be incorporated for the carrying on of the like business

business at the said village of Point Edward, or to an individual or individuals for the same purpose, and that in case of any such assignment being made, the benefit of all the provisions of this by-law shall extend to the said incorporated company, individual or individuals.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers herein named on Saturday, the 7th day of December, 1901, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day, at the undermentioned places :--

Polling Subdivision No. 1 at Oddfellows' Hall, by John Mara, D.R.O. Polling subdivision No. 2 at council chamber by John F. O'Neil, D.R.O. On Saturday, the 30th day of November, 1901, at the said council chamber, in the village of Point Edward, at 10 o'clock in the forenoon, the reeve shall appoint in writing, signed by himself, two persons to attend to the final summing up of the votes by the clerk of said corporation and one person to attend at each of said polling places on behalf of persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively. The said clerk shall attend at the council chamber of said municipality at the hour of ten o'clock in the forenoon of Monday, the 9th day of December, 1901, to sum up the number of votes given for and against this by-law.

6. This by-law shall take effect from and after the day of final passing thereof, provided that said by-law shall have received the assent of the ratepayers of the said village as provided by the statute in that behalf.

Finally passed this 16th day of December, 1901.

J. F. O'NEIL,
Clerk.

W. O. PARSONS,
Reeve

CHAPTER 61.

An Act to confirm By-law No. 185 of the Village of Point Edward.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Municipal Corporation of the Village of Point Edward has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the seventh day of October, 1901, intituled "By-law No. 185; a by-law for granting authority to The Sarnia Gas and Electric Light Company, Limited, to lay down pipes and put up poles, and to string wires thereon for the conveyance of electricity under, through and upon the streets, squares and other public places of the Village of Point Edward in the County of Lambton, and for other purposes therein mentioned," a copy of which by-law is set forth in the schedule to this Act; and whereas the said corporation has represented that it is necessary and expedient and of advantage to the said municipality that the said By-law No. 185 should be ratified and declared legal, valid and binding upon the said municipality; and whereas notice of the application to have the said by-law legalized and confirmed has been given to all rate-payers of the said Village of Point Edward, and there is no opposition thereto; and whereas there is no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 185 of
Point Edward
confirmed.

1. By-law No. 185 of the Municipal Corporation of the Village of Point Edward set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law No. 185.

SCHEDULE A.

BY-LAW No. 185.

Passed the 7th day of October, A.D. 1901.

A By-law for granting authority to the Sarnia Gas and Electric Light Company, (Limited), to lay down pipes and put up poles and to string wires thereon for the conveyance of gas and electricity under, through, over and upon the streets, squares and other public places of the Village of Point Edward, in the County of Lambton, and for other purposes therein mentioned.

Whereas the Sarnia Gas and Electric Light Company, Limited, are an incorporated company carrying on business at the Town of Sarnia, in the County of Lambton ;

And whereas the powers of gas and electric light companies are subject to consent of the municipal corporation of the municipality within which the powers thereby given are to be exercised ;

And whereas, by a resolution bearing date the tenth day of September, A.D. 1901, the Municipal Council of the Village of Point Edward resolved to grant a charter to the said the Sarnia Gas and Electric Light Company, Limited, for a period of twenty-five years, with exemption from taxation of all kinds, save and except a school rate on a fixed assessment of \$1,500.00.

And whereas it is expedient to pass a By-law authorizing the Sarnia Gas and Electric Light Company (Limited) to lay pipes and erect poles and string wires thereupon for the conveyance of gas and electricity under, through, over and upon the streets, highways and public places of the Village of Point Edward ;

Be it therefore enacted and it is hereby enacted by the Municipal Corporation of the Village of Point Edward :—

1. That the Sarnia Gas and Electric Light Company (Limited) shall have full power and exclusive right and authority as a gas and electric light company for twenty-five years from the final passing of this By-law to lay down the necessary pipes and to put up all necessary poles and to string wires thereon for the conveyance of gas and electricity for light, heat and power under, through, over and upon the streets, squares and other public places of the said Village of Point Edward, and for such purposes to do such work as may be necessary on, in and under the streets, squares and other public places of the said village, and shall have full power to take up, alter and repair the said pipes, poles and wires when and so often as the said Company shall deem it necessary so to do, and in all cases doing no unnecessary damage to the premises while the works are in operation. Provided always that the said Company while laying down the said pipes as aforesaid shall place guards or fences with lamps to be lighted at night for the prevention of accidents to passengers, and shall finish the works and put the said streets, squares and public places as nearly as possible in as good a condition as they were before the commencement of the work without any unnecessary delay.

2. That the said the Sarnia Gas and Electric Light Company (Limited) shall during the progress of the said work or while mending or repairing the pipes indemnify the said corporation against any claim or claims for damages for or on account of any accidents that may happen through the negligence or carelessness of the said Company.

3. That the said Company shall supply the said corporation with such quantity of gas and electric light as they may require for the lighting of the streets and public buildings of the Village of Point Edward and to the inhabitants thereof at such rate as shall be charged from time to time by the Company to the shareholders thereof being consumers, or the Corporation of the Town of Sarnia.

4. That the property of the said company shall be exempt from taxation for a period of twenty-five years from the commencement of the operations of the works save and except a school taxation which is hereby based upon an assessment of \$1,500.00 for the period of twenty-five years as aforesaid.

5. That the said corporation do hereby consent that the said company may, and the said company is hereby authorized and empowered, to exercise and enjoy all the rights, powers and privileges conferred thereupon by chapter 199 R. S. O., 1897, in accordance with the various provisions thereof, subject to the conditions in the said Act contained and subject also to the conditions, restrictions, duties and liabilities imposed by this by-law.

6. The said company are hereby granted the exclusive right for the said term of twenty-five years to exercise and enjoy all the rights, powers and privileges in the last clause hereof mentioned.

7. The said company shall have the privilege at all times of putting up or erecting upon the streets and highways of the said corporation all necessary poles and to string thereon all necessary wires for the purposes of the undertakings of the company, and where in case of fire the person or persons in charge of the fire brigade or the portion thereof engaged in such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstructs the operations of the firemen or to direct that they shall be cut or pulled down; and should any person or persons, firm or corporation at any time desire that any of the said wires be taken down for the purpose of moving buildings upon the streets the said person or persons, firm or corporation so requiring said wires to be removed shall notify the manager of the said company and he shall then, upon being paid the cost of moving and replacing the same, remove said wires.

8. Should the company at any time cease regularly to use for a period of six months the poles and wires and overhead appliances and construction which shall be placed by the company in the streets the said corporation may give written notice to the company directing the said company to remove the said poles and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense remove such poles, wires and overhead appliances and construction and put the streets in proper repair and to the satisfaction of the council of said corporation, then the said corporation may do so and charge the expenses thereof to the company who shall pay the same to the corporation on demand.

J. A. O'NEIL,
Clerk.

W. O. PARSONS,
Reeve.

[Seal.]

CHAPTER 62.

An Act respecting the Town of Rat Portage.

Assented to 17th March, 1902.

WHEREAS, the Municipal Corporation of the Town of Rat Portage has petitioned praying that an Act be passed to confirm and legalize a by-law of the Municipality of the Town of Rat Portage passed on the 26th day of August, 1901, entitled "By-law No. 316. A by-law to provide for the issue of debentures for the Town of Rat Portage to the amount of twenty thousand dollars (\$20,000), and to raise the sum required therefor for the purpose of making connections in and improving the system of waterworks therein," and the debentures issued under and in pursuance of the said by-law, and to empower the said municipality to take over the electric light and telephone system, undertaking and plant of The Citizens' Telephone and Electric Company of Rat Portage, Limited, under the provisions of this Act; and whereas it is expedient to grant the prayer of the said petition; and whereas the said municipal corporation has by supplementary petition set forth that the name Rat Portage is unnecessarily long and inconvenient and owing to its derivation and signification is objectionable and misleading and is not a suitable name for the said town under present conditions, and has prayed that the name of the said town be changed; and whereas it is expedient to grant power to the Lieutenant-Governor in Council to change the said name on the conditions hereinafter set forth.

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 316 of the Municipal Corporation of the Town of Rat Portage, set forth in Schedule A of this Act, and the debentures which have been or which may hereafter be issued under or in pursuance of the provisions of the said by-law, are hereby ratified and confirmed and declared legal, valid and binding upon the said municipal corporation and the rate-payers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law or to issue the said debentures, and notwithstanding any defect in substance or in form of the said by-law or debentures, or in the manner of passing or issuing the same, and the Corporation of the Town of Rat Portage is hereby authorized and empowered to issue debentures as authorized by the said by-law

By-law 316 of Rat Portage confirmed.

and

and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No. 316.

By-law for acquiring works and plant of Telephone and Electric Co. authorized

2. In case the Municipal Corporation of the Town of Rat Portage by a resolution of the Municipal Council of the said town duly evidenced under its corporate seal, elects to avail itself of the provisions of this section including Schedule B to this Act and delivers to the president or secretary of The Citizens' Telephone and Electric Company of Rat Portage, Limited, an original duplicate of such resolution within one month after the passing of this Act, the said municipal corporation may and is authorized and empowered, subject to the provisions and terms of Schedule B to this Act, to do all things and to exercise all powers requisite for carrying out the provisions contained in the said Schedule B, and upon the provisions contained in the said Schedule B being duly carried out by the said Municipal Corporation, the said Municipal Corporation shall thereupon be authorized and empowered to exercise the powers following:—

Town authorized to develop electric power;

(a) To generate or develop electric energy by means of water power or otherwise, either in the said municipality or elsewhere.

To construct and maintain a telephone line;

(b) To construct, erect and maintain its line or lines along the sides of, and across or under, any public highways, streets, bridges, water-courses or other such places: provided the said municipal corporation shall not interfere with the public right of travelling on or using such highways, streets, bridges or water-courses, and provided that in towns and incorporated villages, the said municipal corporation shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry any such poles or wires along any street without the consent of the municipal council having jurisdiction over the streets of the said town or incorporated village; and that in any town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall in towns be painted if so required by any by-laws of the council: and provided further that where lines of telegraph are already constructed, no poles shall be erected by the Municipal Corporation of the Town of Rat Portage in any town or incorporated village along the street where such poles are already erected, unless with the consent of the council having jurisdiction over the streets of such town or incorporated village: provided also that in so doing the Municipal Corporation of Rat Portage shall not cut down or mutilate any tree; and provided that in any town and incorporated village the opening up of the streets for the

the erection of poles, or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council of such towns or incorporated villages may appoint, and in such manner as such council may direct, unless such engineer, officer or council, after one week's notice in writing shall have omitted to make such direction: and provided also that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Municipal Corporation of the Town of Rat Portage: and provided further, that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the wires should be cut, the cutting under such circumstances of any of the wires of the Municipal Corporation of the Town of Rat Portage, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Municipal Corporation of the Town of Rat Portage to demand or claim compensation for any damages that might be so incurred.

(c) To purchase, lease or otherwise acquire and hold all such real estate, water power or powers as may from time to time be necessary and proper for the purposes and uses of the Municipal Corporation of Rat Portage in connection with the matters aforesaid and also to sell lease or otherwise dispose of the same, or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit: provided always that such real estate acquired for the purposes hereinbefore mentioned shall at all times be held exclusively for the purposes and uses of the said company as by this Act authorized, and not otherwise.

To acquire necessary real estate;

(d) To contract and agree with any municipality, corporation or company or person for the purpose of lease of water-power and lands in connection therewith and for erecting and constructing buildings, plant, machinery and appliances for the purpose of such development.

To acquire water power

(e) To purchase such lands and to erect such buildings, plant, machinery and appliances.

To purchase lands;

(f) To contract and agree with any municipality, corporation, company or person for the right to erect, construct, lay or affix any poles, conduits or wires or other necessary appliances over, under or along the lands, ways, roads, public or real property of such municipality, corporation, company or person.

To contract with other municipalities;

(g) To carry or transport electric energy so developed thereon and to use and distribute, supply, sell or dispose of such electric energy in the Town of Rat Portage or in the vicinity thereof to any corporation, company or person or to any municipality.

To transport electric energy;

(h) To build, erect, construct, lease or purchase and operate buildings, plant, machinery or appliances for producing or transforming such electric energy for any purpose for which it

To erect plant, etc.

it is or may be used or for any of the purposes hereinbefore specified and particularly for the purposes set forth in Schedule B of this Act.

Proviso.

(2) The powers given by this section to be exercised beyond the limits of the Municipality of Rat Portage shall only be exercised under and subject to such by-law or by-laws as shall have been or may hereafter be passed with reference thereto by the other municipality or municipalities affected by the exercise of such powers.

The Citizens' Telephone and Electric Company bound.

3. The terms of the said Schedule B shall, upon the exercise by the Municipal Corporation of the Town of Rat Portage of the option given by section 2 of this Act apply to and be binding upon The Citizens' Telephone and Electric Light Company of Rat Portage, Limited, and on the Municipal Corporation of the Town of Rat Portage.

Authority given to change name of Town.

4. The Lieutenant-Governor in Council is authorized and empowered by proclamation in that behalf to change the corporate name of the said Town of Rat Portage to such other name as may be approved of by the said municipal corporation, on such terms and conditions as to notice or otherwise as the said Lieutenant-Governor in Council may direct.

SCHEDULE A.

BY-LAW No. 316.

A by-law to provide for the issue of debentures of the Town of Rat Portage to the amount of twenty thousand dollars and to raise the sum required therefor for the purpose of making connections in and improving the system of water works therein.

Whereas the Municipality of the Town of Rat Portage have already from time to time made connections and improvements in the water works system of the said Town of Rat Portage and have obtained from the banks certain advances by way of temporary loan to the amount of twelve thousand dollars therefor.

And whereas it is necessary to re-pay such advances so received for said purposes.

And whereas it is necessary and expedient to make further connections and improve the said system of water works, and it will be necessary to borrow on the credit of the Municipality of the Town of Rat Portage for such purposes, the further sum of eight thousand dollars making in all the sum of twenty thousand dollars required to be raised under this by-law for the purposes aforesaid, said sum to be re-payable with interest at the rate of four per centum per annum in thirty annual instalments.

And

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of twenty thousand dollars as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the purposes aforesaid and to no other.

And whereas owing to the separated portion of the West Ward of the Town of Rat Portage and its physical features it is impossible to construct water works in that ward without very great expense, said works will only serve the Centre, North and South Wards of the municipality.

And whereas Chapter 62 of 50 Victoria, amended by 55 Victoria, Chapter 83, section 20, provides for exemption under certain conditions for certain property in the municipality west of the second outlet of the Lake of the Woods, which comprises the West Ward of the Town of Rat Portage, as defined by 55 Victoria, Chapter 83, from assessment of any rate for the purposes of raising money for the payment of debentures which may be issued by the municipality.

And whereas the total amount that will be required to be raised by special rate on all the rateable property in the Centre, North and South Wards in the municipality in each year during the currency of the said debt to discharge the several instalments and interest respectively as the same becomes due according to the terms of this by-law is the sum of eleven hundred and fifty-six dollars and sixty cents.

And whereas the whole amount of the rateable property of the said municipality according to the last revised assessment roll is one million six hundred and thirty-three thousand three hundred and seventy-three dollars, the amount of the rateable property in the Centre, North and South Wards is one million four hundred and ninety-seven thousand seven hundred dollars.

And whereas the total amount that will be required to be raised annually during the said period of thirty years by special rate for paying the said sum and interest will be the sum of eleven hundred and fifty-six dollars and sixty cents.

And whereas the amount of the existing debt of the said municipality is two hundred and forty-eight thousand seven hundred and twenty dollars and twenty-four cents, of which the proportion to be paid by the Centre, North and South Wards is two hundred and forty-one thousand eight hundred and forty-four dollars and twenty-eight cents, and no part of the principal and interest is in arrears.

Therefore the Municipal Council of the Corporation of the Town of Rat Portage enacts as follows:—

1. That it shall be lawful for the mayor and treasurer of the Town of Rat Portage, and they are hereby authorized to raise by way of loan from any person, firm or company or corporation who may be willing to advance the same upon the credit of the debentures to be issued under this by-law the sum of twenty thousand dollars, for the purposes and objects recited in this by-law.

2. That it shall be lawful for the mayor and treasurer of the Town of Rat Portage, and they are hereby authorized and required to issue debentures of the Town of Rat Portage to the amount of twenty thousand dollars for the purposes aforesaid, which debentures shall be for the several amounts in the next section hereof, and shall be sealed with the seal of the said corporation, and signed by the mayor or head thereof for the time being, and countersigned by the treasurer thereof.

3. The said debentures shall be made payable at the office of the Imperial Bank of Canada, in the Town of Rat Portage, and shall bear interest at the rate of four per centum per annum from the first day of December in the year of our Lord one thousand nine hundred and one, which interest shall be payable at the said bank in the Town of Rat Portage on the first day of December in each year, which debentures shall have attached to them coupons for the payment of the said interest, and shall be for the amounts and shall be payable on the days and times following, that is to say:—

On

On the first day of December, 1902.....	\$356 60
“ “ “ 1903.....	370 87
“ “ “ 1904.....	385 70
“ “ “ 1905.....	401 13
“ “ “ 1906.....	417 17
“ “ “ 1907.....	433 86
“ “ “ 1908.....	451 22
“ “ “ 1909.....	469 26
“ “ “ 1910.....	488 03
“ “ “ 1911.....	507 56
“ “ “ 1912.....	527 86
“ “ “ 1913.....	548 97
“ “ “ 1914.....	570 93
“ “ “ 1915.....	593 77
“ “ “ 1916.....	617 52
“ “ “ 1917.....	642 22
“ “ “ 1918.....	667 91
“ “ “ 1919.....	694 62
“ “ “ 1920.....	722 42
“ “ “ 1921.....	751 31
“ “ “ 1922.....	781 36
“ “ “ 1923.....	812 60
“ “ “ 1924.....	845 12
“ “ “ 1925.....	878 92
“ “ “ 1926.....	914 08
“ “ “ 1927.....	950 64
“ “ “ 19 8.....	988 67
“ “ “ 1929.....	1,028 22
“ “ “ 1930.....	1,069 34
“ “ “ 1931.....	1,112 12

4. That the sum of eleven hundred and fifty-six dollars and sixty cents shall be raised and leviable on all the rateable property in the centre, north and south wards of the said municipality in each and every year during the currency of the said debt by special rate sufficient to discharge the several instalments and interest accruing due on the said debt as the said instalments and interest become due respectively payable according to the terms of this by-law.

5. That this by-law shall take effect on the first day of December in the year of our Lord one thousand nine hundred and one.

6. That the votes of the electors of the Centre, North and South wards of the said Town of Rat Portage shall be taken on the 15th day of August in the year of our Lord one thousand nine hundred and one, at a poll to be opened at the following places and with the following deputy returning officers.

CENTRE WARD.

Polling sub-division No. 1, at the town hall in the said Town of Rat Portage, by D. A. Pender, deputy returning officer.

Polling sub-division No. 2, at the old office of P. H. Clark, in the Town of Rat Portage, by H. F. Holmes, deputy returning officer.

NORTH WARD.

Polling sub-division No. 1, at the court house in the Town of Rat Portage, by J. W. Pickett, deputy returning officer.

Polling sub-division No. 2, at the Central public school in the Town of Rat Portage, by M. Seegmiller, deputy returning officer.

SOUTH

SOUTH WARD.

Polling sub-division No. 1, at D. McMurphy's, jr., house, by D. McMurphy, jr., deputy returning officer.

Polling sub-division No. 2, at the school house in the south ward of the Town of Rat Portage, by J. H. Challoner, deputy returning officer.

And that the said poll shall be opened at the hour of nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day.

7. That on the 14th day of August in the year of our Lord one thousand nine hundred and one, at the hour of eleven o'clock in the forenoon, the Mayor or the head of the municipality for the time being shall appoint, in writing signed by him, two persons to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. That on the 16th day of August in the year of our Lord one thousand nine hundred and one, being the Thursday following the said poll, the clerk of the said Town of Rat Portage shall at the town hall in the said Town of Rat Portage at twelve o'clock, noon, attend and shall sum up the number of votes given for and against this by-law and then and there declare to the persons present whether the requisite number of electors voted in favor of passing this by-law or contrary thereto.

9. Notice of the time appointed for taking a poll of the electors on this by-law shall be published for three weeks, and a copy of this by-law at length as the same may be ultimately passed, and the notice of the day appointed for finally considering the same in council shall be published for three weeks in "The Weekly News", one of the newspapers published in the municipality of the Town of Rat Portage before the final passing of this by-law,

Done and passed in open council this twenty-sixth day of August, A. D. 1901.

(Sgd.) JOHN KERR BRYDON, }
Acting Mayor. }

(Sgd.) D. H. CURRIE, }
Clerk. }

SCHEDULE "B."

MEMORANDUM OF AGREEMENT MADE THIS 7TH DAY OF MARCH, A.D. 1902.

Between The Corporation of the Town of Rat Portage, hereinafter called "The Corporation," of the first part; and The Citizens' Telephone & Electric Company of Rat Portage Limited, hereinafter called "The Company," of the second part. Witnesseth

1. The company agrees to sell and the corporation agrees to buy all the works of the company and all property owned or used in connection therewith for the purpose of supplying electric light, heat and power or for the purpose of supplying telephone or fire alarm service, including electrical appliances in stock as described by clause 2 whether the works or property or any of them are within or without the municipality.

2. The value of the works of the said company and all property owned or used in connection therewith as aforesaid save as hereinafter expressly provided shall be determined in accordance with the provisions of *The Municipal Act* sec. 566, sub-sec. 4, S. S. A. (3), and the provisions of this agreement and the said subsection shall for the purpose of this agreement apply

apply to the telephone and fire alarm branch of the business of the company equally in all respects as if the said section specifically covered a telephone and fire alarm service. All electrical appliances for the company's own use *being* extra parts on hand not in actual use and all electrical appliances on hand for sale shall be taken at net cost including freight, subject to proper deduction if same have become old or obsolete.

3. All moneys due and payable to the company for light, heat, power, telephone or fire alarm service furnished or rendered by it prior to the date when the said corporation takes possession of the works and property of the company as herein provided shall remain the property of the company and shall be collected by it.

4. All moneys accruing due, but not yet payable to the company in respect to light, heat, power, telephone or fire alarm service furnished or rendered by the company prior to the date of the said corporation taking possession shall become the property of the corporation, and shall be paid for forthwith by the corporation to the company, less any sum payable by the company to the corporation in respect of telephone service prepaid, the adjustment in each case to be made as of the date of taking possession.

5. All existing contracts of the company with respect to the supplying of light, heat, power, telephone or fire-alarm service shall be assumed and carried out by the corporation, and the corporation hereby indemnifies the company against all loss, costs or damages that the company may be put to or sustain by reason of the said agreements, contracts or any of them not being carried out by the corporation from the time when it takes possession.

6. The price to be paid by the corporation to the company shall be the actual value of the works and property of the company, as determined by the arbitrators, with $12\frac{1}{2}$ per cent. added to cover the goodwill, franchises, contracts, etc., it being specially understood that no allowance, save as herein provided, shall be made for any existing contracts, whether between the company and the corporation or between the company and others, nor for franchises or goodwill, nor shall the price or value of the shares of the company be considered as an element in determining such value or price.

7. The parties hereto will co-operate together for securing new leases and agreements on the most advantageous terms possible of the lands, property and rights now enjoyed by the company under their lease from the Hudson's Bay Company and of the water power adjacent thereto.

8. The said agreements and leases to be taken in the name of the company but to be assigned and conveyed to the corporation along with all other assets when the corporation pays the purchase price under the terms of this agreement without the payment of any additional consideration, save and except the amount, if any, expended after the passing of the Act ratifying this agreement by the company to acquire, develop and utilize the rights, properties and privileges mentioned in clause 7 hereof, and the costs, if any, incurred by the company in procuring such leases and agreements.

9. Save as provided in clause 8 hereof, the arbitrators in determining the value of the works and property of the company shall not make any allowance for the value of the company's rights under such new agreements or leases (if any) nor for such works or property as under the terms of the present lease revert on its expiry to the Hudson Bay Company, but save as aforesaid, the works and property of the company shall be valued as if the company had a current lease of the lands, property and rights of the Hudson Bay Company, now occupied and enjoyed by them.

10. The amount of the purchase price to be paid by the corporation to the company shall be ascertained by arbitration. Two arbitrators shall within one month after the corporation notifies the company of its intention to exercise the rights given by this agreement, be appointed, one by

the

the corporation and one by the company and the two so appointed shall within 14 days after their appointment select a third, and in default of the said arbitrators being able to agree upon a third arbitrator the same shall be appointed by the Chancellor of Ontario or by the Chief Justice of the King's Bench Division of the High Court of Ontario.

Save as herein otherwise specially provided *The Act Respecting Arbitration and References*, R. S. O. Chap. 62, shall apply to and govern the said arbitration and award and all proceedings arising out of or incidental thereto.

The said arbitrators shall make their award within three months from the date after the said notification by the corporation to the company unless the time thereof is extended pursuant to the conditions of *The Act Respecting Arbitration and References*.

There shall be no appeal from the award of the said arbitrators.

The arbitrators may personally inspect, examine and view the works and property to assist them in arriving at their award.

11. The said corporation shall pay to the said company the said purchase price as fixed by the said arbitrators within two months after the date the said arbitrators shall have made their award. Adjustments shall be made as of the date of taking possession in respect of the matters set forth in clause 4 hereof, and also in respect of any variations in quantities of supplies, parts, etc., from the quantities taken by the arbitrators, as the basis of their award.

12. As soon as the amount to be paid by the corporation to the company ascertained as aforesaid has been paid or secured to the satisfaction of the company the corporation may take possession of the said works of the company and of all property owned or used in connection therewith for the purpose of supplying electric light, heat and power and for supplying telephone and fire alarm service whether the works or property or any of them are within or without the municipality, and concurrently with payment by the corporation to the company of the full purchase price as aforesaid the company shall execute and deliver to the corporation proper transfers, deeds and conveyance to vest the said works and property in the corporation.

13. Until the said price is paid and possession taken the company shall retain and operate its plant and works under existing agreements.

14. In the event of the corporation not paying over to the company the purchase price as fixed by the said arbitrators or securing the same to the satisfaction of the company within two months after the said arbitrators shall have made their award the said corporation shall at the option of the company forfeit all right under the provisions of this agreement, and shall forthwith after taxation thereof pay to the company all costs incurred by it of this agreement and the arbitration and award taken and made thereunder, and of all litigation referred in paragraph 20 hereof.

15. The Council of the corporation may at any time hereafter without submitting the by-law to the ratepayers pass a by-law for the borrowing of the money necessary to pay the purchase price and all other costs, charges and expenses to which the corporation may be put in connection herewith and may levy a special rate and may issue debentures of the Town of Rat Portage for the purpose of securing the debt incurred in paying the said purchase price, costs and expenses.

16. The periods hereinbefore provided for the doing of acts by the corporation may be extended from time to time by the company but no such extension shall operate as a waiver by the company of any rights of forfeiture herein provided but all such rights may be exercised after any extension so given as fully and as effectually as before.

17. Upon the corporation taking possession of the works and property of the company, the company shall hand over to the corporation the books

of the company showing the persons, firms or corporations with which the company is dealing or shall furnish to the corporation a copy thereof so far as the same may be necessary to fully inform the corporation as to the business being carried on by the company.

18. Upon possession being taken as aforesaid the company shall until its business is wound up give to the corporation access at all reasonable times to any letters, books or invoices of the company or such other books of the company as shall be found reasonably necessary to enable the corporation to properly carry on said business.

19. Any difference arising as to the carrying out of clauses 17, or 18 or as to the transfers deeds or conveyances mentioned in clause 12, shall be determined summarily by the local judge at Rat Portage.

20. Each party shall bear their own costs of all litigation heretofore incurred between them both in the High Court and in the Court of Appeal and the appeals now pending shall be dismissed without costs.

In witness whereof the parties have hereunto set their corporate seals by the hand of their respective officers on the day and year first above written.

Signed, sealed and delivered
In the presence of

CHAPTER 63.

An Act respecting certain By-laws of the Town of Sarnia.

Assented to 17th March, 1902.

WHEREAS The Cleveland-Sarnia Saw Mills Company, Limited, and Edmund Hall trading under the name of The Sarnia Bay Mill have by their petitions represented that prior to the establishment of their respective mills at the Town of Sarnia they were promised by the Town Council of the Town of Sarnia that their assessment for taxation would be fixed at a figure to be agreed upon by The Cleveland-Sarnia Saw Mills Company, Limited, and Edmund Hall and the Town of Sarnia as an inducement to them to locate their mills and plants at the Town of Sarnia, and that there would be by-laws passed so fixing their assessment; and whereas two readings of a by-law fixing the assessment of The Cleveland-Sarnia Saw Mills Company, Limited, at the sum of twenty thousand (\$20,000) dollars for all purposes of taxation save and except school taxes has been passed by the said town council; and whereas two readings of a by-law fixing the assessment of Edmund Hall at the sum of ten thousand (\$10,000) dollars for all purposes of taxation save and except school taxes have been passed by the said town council; and whereas the said by-laws were submitted to a vote of the ratepayers of the Town of Sarnia in accordance with the provisions of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 33, but failed to receive the assent of three-fifths of all the ratepayers entitled to vote thereon, there being out of a total of 1,370 ratepayers qualified to vote 767 votes for The Cleveland-Sarnia Saw Mills Company by-law and 39 votes against it, and 769 votes for the Edmund Hall by-law and 36 votes against it; and whereas more than three-fifths of the said ratepayers in all the wards of the said town, save one, voted in favour of the said by-laws; and whereas it has been made to appear that the smallness of the vote in the ward in which the said by-laws failed to receive the requisite number of votes was due to the fact that a large number of the ratepayers of the said ward were absent from home on the day when the said vote was taken; and whereas more than three-fifths of the ratepayers in the said ward have since the said vote was taken joined in signing a petition, praying that the municipal council of the said town be authorized to pass the said by-laws; and whereas the municipal council of the town desires

desires to be enabled to pass the said by-laws notwithstanding that they did not receive the requisite number of votes of the ratepayers, and the said company and the said Edmund Hall have by their said petitions prayed that an Act may be passed for that purpose; and whereas there is no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws exempting Cleveland-Sarnia Saw Mills Co., and E. Hall, legalized.

1. The Municipal Council of the Town of Sarnia, may read the said by-laws, set out in Schedules A and B to this Act, respectively, fixing the assessments of The Cleveland-Sarnia Saw Mills Company, Limited, and the said Edmund Hall, trading under the name of The Sarnia Bay Mill, of and from taxation as is in the said respective by-laws set forth, a third time, and pass the same, and the said by-laws when so passed shall be legal, valid, and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any defect in substance or in form or in the manner of passing the same or otherwise.

SCHEDULE A.

BY-LAW No.

A By-law to fix the assessment of the Cleveland-Sarnia Saw Mills Company, Limited, at the sum of \$20,000.00 on certain conditions.

Whereas the Cleveland-Sarnia Saw Mills Company (Limited) is the owner of the following lands in the Town of Sarnia, namely:—(1) Lot number one (1) in Block “A” in the Maxwell Estate, and also water lot number one (1) in the said Maxwell Estate.

2. Water lot in the River St. Clair in front of Park lot number three (3) on the west side of Christina Street in the Town of Sarnia.

3. Water lot in Sarnia Bay in front of Park lot number four (4) on the west side of Christina Street.

4. Lot number three (3) in Block “A” in the Maxwell Estate in the Town of Sarnia according to plan number three (3) and also water lot in front of said lot number three (3) according to plan number twenty-four.

5. Lot number two (2) in Block “A” in the Maxwell Estate in the said Town of Sarnia according to registered plan; also water lot number two in front of said lot number two (2) according to registered plan of said Town of Sarnia.

6. The land fronting on Maxwell Street in the Town of Sarnia extending to the channel bank of the River St. Clair.

7. All that part of Park lot number one (1) on the west side of Christina Street and the south side of Maxwell Street; and the water lot in front thereof.

8. The westerly portion of lots numbers one (1) and two (2) on the west side of Christina Street in said Town of Sarnia.

9. Water lot in the River St. Clair in front of Park lot number two (2) on the west side of Christina Street.

10. Water lot in front of the south part of lot number seventy-two (72) in the Front Concession of the Township of Sarnia.

11. The north sixty feet of that part of lot lettered “U” on the west side of Christina Street now lying west of Front Street, together with the north sixty feet of the water lot in front thereof.

And whereas the said Company have leases for the term of twenty-one years of the following lands and premises, viz.:—

1. Water lot in front of lot lettered “V” on the west side of Christina Street in said Town of Sarnia.

2. Portion of water lot in front of lot lettered “U” on the west side of Front Street measuring 180 feet along the river bank or water's edge.

And whereas nearly the whole of said land was until purchased by the said Company in 1901, unoccupied and unproductive.

And whereas the total assessment of the said lands at the time that the same was so purchased by the said Company was \$10,350.00, save and except the westerly portions of lots number one (1) and two (2) on the west side of Christina Street which have not been assessed separately but with other lands.

And whereas the said Company has without bonus or other assistance from the said Town of Sarnia commenced the construction of a Saw Mill on a very large scale, and intend to carry on the manufacture of lumber in all its branches, upon the understanding that the property of the Company would be partially exempt from taxation.

And whereas the said company represented to the Town of Sarnia that the said company, their successors and assigns, will operate the said saw mill and other works in connection therewith for at least eight months in each year for a period of twenty years hereafter, and will employ daily during the said eight months in each year, at least fifty men.

And

And whereas the said company have agreed to defray the expense of legislation, validating and making operative this By-law.

Therefore, the Municipal Council of the Town of Sarnia, subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1. That the annual assessment of the aforesaid real property of the said company, their successors and assigns, shall for all purposes whatsoever (but saving and excepting assessments for school taxes) be fixed at the sum of \$20,000 for the period of ten years from and inclusive of the first day of January, A. D. 1901, with the right to renew such term of exemption for a further period of ten years.

2. That all the property which the said company, their successors and assigns, shall hereafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business, shall for the portion of said period of ten years and the renewal extension thereof, which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall have been so purchased, and which said assessment of property which may be purchased shall be in addition to said fixed assessment of \$20,000.

3. Should the said Company, their successors or assigns, fail in any year during the said term to carry on the said works on said land for at least eight months thereof or to employ daily at least fifty persons in any year, the Town of Sarnia may in the next year after said default and as often as such default shall be made assess the real and personal property as if this by-law and any Act validating the same had not been passed, but the said Company, their successors or assigns, shall upon payment of the taxes levied upon the assessment made by reason of such default be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.

4. Nothing herein contained shall operate to exempt the said lands from the payment of local improvement rates.

5. That all labor employed by the said Company shall become resident in the said Town of Sarnia.

6. By-law Number 550 passed by the Municipal Council of the Town of Sarnia on the 29th day of May, 1901, is hereby repealed, but all exemptions and privileges granted thereunder and heretofore enjoyed and all acts done or submitted to thereunder are hereto and the same are hereby adopted, ratified and confirmed.

7. This By-law shall come into force and take effect immediately from and after the final passing thereof.

8. The votes of the ratepayers of the said Municipality qualified to vote on money by-laws shall be taken on this By-law in the several polling subdivisions appointed in said town for election purposes, and for that purpose the following persons shall be the Deputy Returning Officers and the following shall be the polling places for the taking of vote :—

First Ward, Division 1—School House, Durand Street, George Godley, Sen., D.R.O.

First Ward, Division 2—Fire Hall, George Street, C. F. Pashley, D.R.O.

First Ward, Division 3—James Fitzpatrick's house, north-west corner of Mitton and Essex Streets, Wm. Beresford, D.R.O.

Second Ward, Division 1—Police Court Room, Town Hall, Christina Street, Reuben C. Palmer, D. R. O.

Second Ward, Division 2—School House, Lochiel Street, M. A. Sanders, D. R. O.

Second Ward, Division 3—Hiram McEwen's house, 220 South Cameron Street, J. F. Elliott, D. R. O.

Third Ward, Division 1—Salvation Army Barracks, East Front Street, Jehu Davis, D. R. O.

Third Ward, Division 2—School House, Wellington Street, M. Sullivan, D. R. O.

Fourth Ward, Division 1—George Bartrand's butcher shop, north-west corner of Albert and Devine Streets, John Dyble, D. R. O.

Fourth Ward, Division 2—School House, corner of Brock and Devine Streets, Adam English, R. D. O.

9. All such votes shall be taken on Thursday the 28th day of November, A.D., 1901, at said several places named for the votes to be taken in said several sub-divisions, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon; and the Clerk of the said Town shall on the 30th day of November, A.D. 1901, at the hour of noon, in the Council Chamber in the Town Hall, sum up the number of votes for and against the said by-law, and on the 26th day of November, A.D. 1901, at the hour of noon, at the place last named, the Mayor of the said Town shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

Passed provisionally and dated at the Town of Sarnia this 4th day of November, A. D. 1901.

Finally passed the day of A. D. 1901.

Mayor.

Clerk.

SCHEDULE B.

BY-LAW No.

A By-Law to fix the Assessment of Edmund Hall for fifteen years on certain conditions.

Whereas Edmund Hall, saw mill owner and manufacturer, is the owner of certain lands in the Town of Sarnia, namely lots one, two, three, four and five in Block "S" and the parts of lots four and five lying west of Front Street in Block "A," all in the Maxwell Estate survey, and also water lots four, five, six, seven, nine, ten, eleven and part of eight according to plan 24 of the Town of Sarnia.

And whereas the greater part of said lands has heretofore been unoccupied and wholly unproductive.

And whereas the total assessment of said lands at the time same were purchased by Edmund Hall, was less than six thousand dollars.

And whereas the said Edmund Hall without bonus or other assistance from the Town of Sarnia agrees within one month from the passing of the By-law to commence the construction and equipment of a saw mill and incident industries within the corporation limits of the Town of Sarnia, in the operation of which he agrees and guarantees to employ not less than seventy-five men during the whole of the saw milling season, which shall not be less than six months in each year in consideration of the value for assessment of such land as he now has or may hereinafter acquire for the purpose of his business operations within the corporation limits, being fixed or determined.

And whereas the said Edmund Hall has agreed to defray all expenses of any legislation which shall or may be found necessary to validate, affirm or make operative this By-law.

Now therefore the Municipal Council of the Town of Sarnia subject to this By-law being validated, affirmed and made operative by the Legislature of the Province of Ontario, enacts as follows :—

1. That the annual assessment of the above described real estate of the said Edmund Hall, his executors, administrators and assigns, including any and all the personal property of the said Hall and his aforesaid, shall for all purposes whatsoever, but not including school taxes, be fixed at the sum of ten thousand dollars for a period of fifteen years from and inclusive of the first day of January, nineteen hundred.

2. That all property which the said Edmund Hall, his executors, administrators and assigns shall hereinafter acquire in the said Town of Sarnia for the purposes of and to be used in connection with their business shall for the portion of the said period of fifteen years, which shall not then have elapsed, be assessed annually for the same amount as the assessment thereof in the year next before the same shall be purchased and which said assessment of the said property, which may be so hereafter acquired, shall be in addition to the said fixed assessment of ten thousand dollars.

3. Should the said Edmund Hall or his successors or assigns fail in any year during said term to carry out the said works on the said lands for at least six months thereof, the said Town of Sarnia may in the next year after such default and as often as such default may be made, assess the real and personal property as if this By-law and any Act validating the same had not been passed, but the said Edmund Hall, his successors and assigns shall upon payment of the taxes levied upon the assessment made by reason of such default, be thereafter entitled to the benefit of the assessment fixed by this By-law upon compliance with the conditions thereof.

4. Nothing herein contained shall operate to exempt the said lands from the payment of local improvement rates properly levied thereon.

5. That all labor employed by the said Edmund Hall or his successors or assigns shall become resident in the Town of Sarnia.

6. By-law Number 529 passed by the Municipal Council of the Town of Sarnia on the 28th day of May, 1900, is hereby repealed, but all exemptions and privileges granted thereunder and heretofore enjoyed, and all acts done or submitted to thereunder are hereto—and the same are hereby adopted, ratified and confirmed.

7. This By-law shall come into force and take effect immediately from and after the final passing thereof.

8. The votes of the ratepayers of the said Municipality qualified to vote on money by-laws shall be taken on this By-law in the several polling subdivisions appointed in said town for election purposes, and for that purpose the following persons shall be the Deputy Returning Officers, and the following shall be the polling places for the taking of votes :—

First Ward, Division 1—School House, Durand Street, George Godley, Sr., D. R. O.

First Ward, Division 2—Fire Hall, George Street, C. F. Pashley, D. R. O.

First Ward, Division 3—James Fitzpatrick's house, north-west corner of Milton and Essex Streets, William Beresford, D. R. O.

Second Ward, Division 1—Police Court Room, Town Hall, Christina Street, Reuben C. Palmer, D. R. O.

Second Ward, Division 2—School House, Dochiel Street, M. A. Sanders, D. R. O.

Second Ward, Division 3—Hiram McEwen's House, 220 South Cameron Street, J. F. Elliott, D. R. O.

Third Ward, Division 1—Salvation Army Barracks, East Front Street, Jehu Davis, D. R. O.

Third Ward, Division 2—School House, Wellington Street, M. Sullivan, D.R.O.

Fourth Ward, Division 1—George Bartrand's Butcher Shop, north-west corner of Albert and Devine Streets, John Dyble, D.R.O.

Fourth Ward, Division 2—School House, corner Brock and Devine Streets, Adam English, D.R.O.

9. All such votes shall be taken on Thursday, the 28th day of November, A.D. 1901, at said several places named for the votes to be taken in said several subdivisions between the hours of nine o'clock in the forenoon and five o'clock in the afternoon ; and the clerk of said town shall on the 30th day of November, A.D. 1901, at the hour of noon in the Council Chamber in the Town Hall sum up the number of votes for and against the said By-law ; and on the 26th day of November, A.D. 1901, at the hour of noon at the place last named the mayor of the said town shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

Passed provisionally, and dated at the Town of Sarnia this 4th day of November, A.D. 1901.

Finally passed the

day of

A.D. 1901.

Mayor.

Clerk.

CHAPTER 64.

An Act to change the name of the Town of Tilsonburg
to the Town of Tillsonburg.*Assented to 17th March, 1902.*

Preamble.

WHEREAS by an Act passed in the 35th year of the reign of Her late Majesty Queen Victoria, chaptered 41, the Police Village of Tilsonburg and adjacent territories were constituted a body corporate, municipal and politic, under the name of the Corporation of the Town of Tilsonburg; and whereas it was intended that the said town should be named after George Tillson, the original founder of the said town, but by inadvertence or clerical error the name of the town was spelled Tilsonburg instead of Tillsonburg, and whereas the municipal council of the said town has by petition represented that E. D. Tillson, a son of the said George Tillson, has been the most prominent citizen of the said town from its incorporation until his death on the 31st day of January, 1902, and has been so closely identified with everything connected therewith and has rendered to the place so many valuable and enduring services through the years referred to that it is now strongly desired that the error above mentioned should be corrected and the name of Tillson properly incorporated in the town; and whereas the municipal council of the said town has passed a by-law declaring that in the opinion of the said council the said name should be changed and by the said petition has prayed that the name of the said town should hereafter be Tillsonburg; and whereas there is no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of
town changed
to "Tillson-
burg."

1. The name of the Municipal Corporation of the Town of Tilsonburg shall be and the same is changed to Tillsonburg, and the said municipal corporation shall be hereafter known and described as the Corporation of the Town of Tillsonburg.

CHAPTER 65.

An Act respecting the City of Toronto.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas none of the by-laws in Schedule B hereto have been moved against, nor any proceedings taken to quash or set aside the same, nor have any objections been made to any of the said by-laws saving and excepting as to so much of By-law No. 4,022 as is hereinafter referred to; and whereas no opposition has been offered to the confirmation of the said by-laws save as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of the Act passed in the 42nd year of the reign of Her late Majesty Queen Victoria, chaptered 81, is amended by striking out all the first part thereof ending with the words, "election of officers" occurring in the thirty-fifth line thereof and substituting therefor the following:—

42 V. c. 81,
s. 4, amended.

4. The Mayor, the City Treasurer, the City Clerk and the members of the Council of the City of Toronto, the Warden and two representatives being members of the County Council of the County of York to be appointed at the first meeting thereof in each year; six representatives from the Toronto Electoral District Society to be appointed at the annual meeting of such Society; twelve representatives being members of the Canadian Manufacturers' Association and five representatives being members of the Board of Trade of Toronto, to be appointed at the annual meetings for the election of officers of the said Association and Board respectively; the Minister of Agriculture, the President of the Ontario Agricultural College and Experimental Farm, the Minister of Education and one other representative of the Education Department of Ontario to be named and appointed by the Minister of Education; two representatives from each of the several corporations, associations, organizations, societies and public bodies following, that is to say:—The Ontario Society of Artists, the Toronto Horticultural Society, The Canadian Institute, The Ontario Fruit Growers' Association, The Ontario Lumbermen's Association

Members of
Council to be
members of
Industrial Ex-
hibition As-
sociation.

Association, The Ontario Veterinary Association, The Ontario Poultry Association, The Ontario College of Pharmacy, to be named and appointed by the said several corporations and associations at their annual meetings for the election of officers.

42 Vic. c. 81,
s. 9, amended.

Mayor and
four other
members of
Council to be
Directors.

2. Section 9 of the said Act is amended by striking out the word "twenty" in the second line and inserting the word "twenty-five" in lieu thereof, and also by adding after the word "Toronto" in the third line the following words—"and five of whom shall consist of the Mayor and four other members of the City Council to be selected by such Council, such number"; and by inserting after the word "determined" in the said third line the following words, "and the other directors to be elected."

Agreement
between City
and County of
York vali-
dated.

3. The agreement between the City of Toronto and the Corporation of the County of York, which is printed as Schedule A hereto, shall, when duly executed by the parties thereto, be valid and binding on the parties thereto; and the said parties thereto are hereby empowered to do all acts necessary to give effect to the same.

Authorizes
Debentures to
be issued for
water mains
and other pur-
poses.

4. The Council of the said Corporation may, without submitting the same to the ratepayers, qualified to vote on money by-laws, pass such by-laws as from time to time may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount not exceeding \$68,815 as may be necessary for the following purposes:—

To lay water mains upon the following streets and places:—

Colborne street, 12-in. main	\$ 2,210
Queen street, Bathurst to Niagara, 12-in. main.....	2,900
Don bridge, 16-in. steel pipe.....	2,565
“ “ Eastern avenue, 12-in. steel pipe	1,172
King street, Simcoe to Spadina, 12-in. main	5,043
Gerrard street, 12-in. main.....	3,575
Don (Esplanade), 6-in. main.....	1,200
Spadina avenue, 6-in. main	150
	<hr/>
	\$18,815
To improving the Cattle Market.....	50,000
	<hr/>
	\$68,815

and for such purposes, or any of them, may issue any number of debentures payable in this province or elsewhere in sums of not less than \$100 each, which may be payable at any time within twenty-eight years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half yearly, and for the purpose
of

of redeeming such debentures and paying the interest thereunder, the council of the Corporation of the City of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor impose a rate per annum upon all rateable, personal and real property in the said municipality over and above and in addition to all other rates to be levied in each year which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

5. The by-laws of the Corporation of the City of Toronto, specified in Schedule B hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed, except so much of By-law No. 4,022 as imposes an assessment upon lots 26 and 27, plan 101 "E," on the south side of Bloor street, having a frontage of 102 feet on Bloor street, assessed to W. Hamilton Merritt, but now the property of the Trustees of the University of Toronto, which assessment shall not be collectable unless and until the said lots have been sold or leased by the said Trustees and then shall be collectable for such time as shall follow such sale or lease, which assessment shall attach upon the land or the lessees' interest therein respectively, according to whether the said land shall have been sold or leased.

By-laws
validated.

SCHEDULE A.

THIS INDENTURE, made the 11th day of February, in the year of our Lord, one thousand nine hundred and two. Between the Corporation of the City of Toronto, hereinafter called the City, of the first part; and the Corporation of the County of York, hereinafter called the County, of the second part.

Whereas an agreement was entered into between the parties hereto on the 26th day of June, 1884, respecting the matters therein set out;

And whereas it has been agreed between the parties hereto that the County shall pay the sum of \$84,000 in lieu of the sum to be paid "annually in respect of the use of the said Court House for County purposes," as provided in the said agreement, and that the County shall have an insurable interest to that extent;

And whereas it has been further agreed that the said Court House and offices shall be considered to have been made "ready for use and occupation by the said Courts and the officers connected therewith" on and from the 1st day of April, 1901;

And whereas it has been further agreed that the "just share and proportion of all charges and expenses from time to time as the same may be incurred of the cost of maintenance and repairs of the portion of the building and site used for the purposes of the administration of justice to be borne and paid by the County of York shall be 22 per cent. of the whole amount of such charges and expenses, the balance thereof, 78 per cent., to be borne by the City, and that the other payments, outlays, costs, charges and expenses provided for in the said agreement shall be paid by the County and the City in the same proportions.

And

And whereas it has been further agreed that the date at which that portion of the agreement relating to fees and other moneys now payable by the County under the provisions of *The Jurors' Act* and amendments thereto, and under the Acts relating to the payment of Criminal Justice accounts, and all other fees and moneys now payable or to be advanced out of County funds for, or in connection with, the administration of justice shall take effect, shall be the 1st day of January, 1902, instead of the date of the completion of the said Court House, as provided in the said agreement.

Now therefore this agreement witnesseth :

1. That as and of the first day of April, 1901, the County shall pay to the City the sum of \$84,000 in lieu of the sum to be paid annually in respect of the use of the said Court House for County purposes in the said hereinbefore in part recited agreement provided (but not including the repair and maintenance thereof), such sum to bear interest at the rate of four per cent. per annum from the said 1st day of April, and to be paid by the County to the City on the 1st day of March, 1902; and if the sum be not paid upon the said last mentioned date, interest shall be paid by the County to the City at the said rate on any amount remaining unpaid, until the amount shall be fully paid and satisfied; and the City hereby agrees to accept the said sum when paid in full satisfaction of the said sum to be paid annually;

2. The County shall have an insurable interest in the portion of the building used for the purposes of the administration of justice and in the furniture to be used therein to the extent to which the amount paid by the said County for the use of the said building and on account of the purchase of the original furniture therefor will render the same insurable.

3. The said Court House and Offices shall be considered to have been made ready for use and occupation by the said courts and the officers connected therewith of and from the 1st day of April, 1901, for the purposes of the said hereinbefore in part recited agreement, save and except as herein otherwise provided.

4. The County shall bear and pay to the City on the first day of February in each year as its just share and proportion of all charges and expenses from time to time as the same may be incurred as provided in the said agreement the share of twenty-two per cent. of the whole amount of such charges and expenses, previously incurred, and the balance thereof, namely, seventy-eight per cent. shall be borne by the City, provided, however, that such charges and expenses shall not include anything paid by the City for insurance on buildings and furniture, and the said County shall have no claim on any insurance effected by the City and the premiums for which have been paid by the City.

5. And the County will further pay to the City from time to time at the said rate of twenty-two per cent., its share of the cost of repairing and maintaining that portion of the City Hall and the site thereof used for the purposes of the administration of justice and for offices in connection therewith on the first day of February next after the said cost shall be from time to time incurred.

6. The vouchers showing the sums expended by the City of Toronto in the care, maintenance and repairs of the portion of the City Hall used for the purposes of the administration of justice, and also showing the other payments, outlays, costs, charges and expenses provided for in the said agreement of the 26th June, 1884, towards which the County of York are required to pay or contribute are to be open to such member of the County Council or such Auditor as the County Council of the County of York may appoint, at all reasonable times upon application to the City Treasurer therefor.

7. If the County Council is dissatisfied with, or objects to, any payments made by the City and charged to the County, on the ground that the

the same are for any reason improper, the question of whether the payment is improper shall be referred to the County Judge of the County of York, whose decision in regard to any such payments shall be final. Such County Court Judge shall be entitled to be paid on such reference the fees payable to an Arbitrator under *The Municipal Arbitrations Act*, and shall be paid by such party, and in such proportion as the said Judge may determine.

8. The date at which that portion of the agreement relating to the fees and other moneys heretofore payable by the County under the provisions of *The Jurors' Act* and the Acts relating to the payment of criminal justice accounts and all other fees and moneys now payable or to be advanced out of County funds for or in connection with the administration of justice, shall take effect, shall be on and from the 1st day of January, 1902, instead of the date of the completion of the said Court House as provided in the said agreement.

9. Except in so far as herein specially otherwise provided, the said agreement, including the clause for reconsideration of the sum payable by the County to the City on the order of the Lieutenant-Governor in Council as therein provided is to remain in full force and effect.

In witness whereof the parties hereto have hereunto set their Corporate Seals and the hands of their proper officers.

Signed, sealed and delivered in the presence of

O. A. HOWLAND,
Mayor.

[L.S.] R. T. COADY,
Treasurer.

[L.S.] ROBERT NORMAN,
Warden.

JOHN A. RAMSDEN,
Clerk.

SCHEDULE B.

No. of By-Law.	Nature of work under By-Law.	When passed by Council.	Amount of debt created.		Amount to be borne by City.		Amount to be borne by ratepayers.		Periods of payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.	Years.	
3946	Concrete sidewalk on the east side of Admiral road, between Lowther avenue and Bernard avenue	March 11, 1901	994	07	73	50	920	57	10	3½
3947	Concrete sidewalk on the west side of Admiral road, between Lowther avenue and Bernard avenue	"	1,059	39	80	07	979	32	10	3½
3948	Concrete sidewalk on the east side of Avenue road, between Bloor street and Davenport road, (excepting 100 feet in front of No. 97, 50 feet in front of No. 107, and 50 feet in front of No 111)	"	1,546	70	153	87	1,392	83	10	3½
3949	Concrete sidewalk on the west side of Avenue road, between Bloor street and Davenport road	"	1,690	97	257	13	1,433	84	10	3½
3950	Concrete sidewalk on the east side of Bay street, between King street and the south limit of house No. 111 Bay street, (excepting opposite Nos 99, 101, 103 and the Emergency Hospital)	"	481	29	159	00	322	29	10	3½
3951	Concrete sidewalk on the east side of Bedford road, between Lowther avenue and Bernard avenue	"	741	05	120	00	621	05	10	3½
3952	Concrete sidewalk on the south side of Bernard avenue, between Avenue road and Bedford road	"	596	22	107	71	488	51	10	3½
3953	Concrete sidewalk on the west side of Beverley street, between Queen street and Cecil street	"	2,423	36	341	70	2,081	66	10	3½
3954	Concrete sidewalk on the south side of Bloor street, between St. George street and Huron street	"	371	29	75	12	296	17	10	3½
3955	Concrete sidewalk on the east side of Borden street, between College street and Ulster street	"	1,145	28	113	00	1,032	28	10	3½
3956	Concrete sidewalks on both sides of Boswell avenue, between Avenue road and Bedford road	"	2,181	30	415	48	1,765	82	10	3½
3957	Concrete sidewalk on the south side of Carlton street, between Parliament street and Sackville street	"	819	04	91	49	727	55	10	3½

	March 11, 1901	190 33	106 63	83 70	10	3½
3958 Concrete sidewalk on the north side of Cecil street, between Henry street and Beverley street.....	"	513 82	122 25	391 57	10	3½
3959 Concrete sidewalk on the north side of Cecil street, between Beverley street and Huron street.....	"	856 86	93 43	763 43	10	3½
3960 Concrete sidewalk on the west side of Church street, between Queen street and Shuter street.....	"	432 09	61 62	370 47	10	3½
3961 Concrete sidewalk on the south side of College street, between Beverley street and Huron street.....	"	154 46	52 91	101 55	10	3½
3962 Concrete sidewalk on the south side of College street, between Teraulay street and a point distant thirty-five feet six inches west thereof	"	543 59	90 14	453 45	10	3½
3963 Concrete sidewalk on the north side of Elgin avenue, between Avenue road and Bedford road.....	"	581 87	93 55	488 32	10	3½
3964 Concrete sidewalk on the south side of Elgin avenue, between Avenue road and Bedford road	"	2,619 86	222 73	23,917 13	10	3½
3965 Concrete sidewalks on both sides of Euclid avenue, between College street and Ulster street.....	"	496 80	44 00	452 80	10	3½
3966 Concrete sidewalk on the north side of Gerrard street, between Parliament street and Berkeley street	"	584 08	140 61	443 47	10	3½
3967 Concrete sidewalk on the north side of Gerrard street, between Sherbourne street and Seaton street	"	797 00	156 70	640 30	10	3½
3968 Concrete sidewalk on the south side of Gloucester street, between Church street and Jarvis street.....	"	1,940 14	438 00	1,502 14	10	3½
3969 Concrete sidewalks on both sides of Grosvenor street, between St. Vincent street and Surrey place.....	"	1,264 53	128 50	1,136 03	10	3½
3970 Concrete sidewalk on the west side of Hazleton avenue, between Yorkville avenue and Davenport road	"	1,481 18	168 45	1,312 73	10	3½
3971 Concrete sidewalks on both sides of Howland avenue, between Bloor street and Barton avenue.....	"	234 05	35 12	198 93	10	3½
3972 Concrete sidewalk on the east side of Huntley street, between Linden street and Selby street	"	323 44	90 00	233 44	10	3½
3973 Concrete sidewalk on the east side of Huntley street, between Selby street and Bloor street	"	724 29	104 10	629 19	10	3½
3974 Concrete sidewalk on the west side of Huntley street, between Isabella street and Bloor street.....	"	865 50	217 65	647 85	10	3½
3975 Concrete sidewalk on the east side of Huron street, between Lowther avenue and Bernard avenue	"					

SCHEDULE B.—Continued.

No. of By-law.	Nature of work under By-Law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by rate-payers.	Periods of pay-ment.	Rate of Interest.
3976	Concrete sidewalk on the east side of Huron street, between Russell street and Bloor street (except that portion there- of between Classic place and Wilcox street)	March 11, 1901.	1,677 17	403 35	1,270 82	10	3½
3977	Concrete sidewalk on the west side of Huron street, between Bloor street and Lowther avenue	"	581 71	56 11	525 60	10	3½
3978	Concrete sidewalk on the west side of Huron street, between Lowther avenue and Bernard avenue	"	1,040 61	36 81	1,003 80	10	3½
3979	Conc ete sidewalk on the west side of Huron street, between Russell street and Bloor street	"	1,770 43	354 77	1,415 66	10	3½
3980	Concrete sidewalk on the north side of King street, between Spadina avenue and Bathurst street	"	1,638 13	114 25	1,523 88	10	3½
3981	Concrete sidewalk on the north side of King street, between St. Paul street and Sackville street	"	291 87	25 43	266 44	10	3½
3982	Concrete sidewalk on the south side of King street, between a point distant seventy-nine feet ten inches west of York street, and Simcoe street	"	1,078 89	41 79	1,037 10	10	3½
3983	Concrete sidewalk on the north side of Louisa street, between Yonge street and the east side of the first lane west thereof	"	256 94	128 47	128 47	10	3½
3984	Concrete sidewalk on the north side of Lowther avenue, be- tween Admiral road and St. George street	"	270 66	74 66	196 00	10	3½
3985	Concrete sidewalk on the north side of Lowther avenue, be- tween Avenue road and Bedford road	"	588 17	60 70	527 47	10	3½
3986	Concrete sidewalk on the north side of Lowther avenue, be- tween Spadina road and Madison avenue	"	281 08	141 90	139 18	10	3½
3987	Concrete sidewalks on both sides of Major street, between Col- lege street and Bloor street	"	4,238 41	549 52	3,688 89	10	3½
3988	Concrete sidewalks on both sides of Markham street, between College street and Harbord street	"	2,404 33	155 31	2,249 02	10	3½

3989	Concrete sidewalk on the east side of Peter street, between Richmond street and Queen street.....	“	181 96	63 44	118 52	10	3½
3990	Concrete sidewalk on the north side of Prince Arthur avenue, between Bedford road and St. George street.....	“	426 62	106 16	320 46	10	3½
3991	Concrete sidewalk on the south side of Prince Arthur avenue, between Bedford road and a point distant one hundred and sixty-seven feet east of St. George street.....	“	307 20	53 41	253 79	10	3½
3992	Concrete sidewalk on the north side of Queen street, between Crawford street and a point distant two hundred feet east thereof.....	“	622 56	60 09	562 47	10	3½
3993	Concrete sidewalk on the north side of Queen street, between Dovercourt road and a point distant eighty-five feet two inches east of Gladstone avenue.....	“	8,294 92	439 33	2,855 59	10	3½
3994	Concrete sidewalk on the north side of Queen street, between Grant street and Broadview avenue.....	“	1,203 89	85 74	1,118 15	10	3½
3995	Concrete sidewalk on the east side of Queen's Park crescent, between a point distant one hundred and thirty-one feet six inches north of St. Albans street and a point distant ninety-nine feet six inches further north.....	“	78 67	.....	78 67	10	3½
3996	Concrete sidewalk on the north side of Queen's Park crescent, between the eastern limit of John Drynan's property and a point distant one hundred and eighty-three feet further east.....	“	129 21	.....	129 21	10	3½
3997	Concrete sidewalks on both sides of Rose avenue, between Winchester street and Prospect street.....	“	733 46	77 04	661 42	10	3½
3998	Concrete sidewalk on the north side of Russell street, between St. George street and Huron street.....	“	331 44	70 00	261 44	10	3½
3999	Concrete sidewalk on the south side of Russell street, between St. George street and Huron street.....	“	407 87	116 06	291 81	10	3½
4000	Concrete sidewalk on the east side of Scott street, between Colborne street and a point distant sixty feet ten inches south thereof.....	“	110 62	.....	110 62	10	3½
4001	Concrete sidewalk on the east side of Sherbourne street, between a point distant five hundred and eighty-seven feet four inches north of Queen street, and Wilton avenue....	“	635 60	27 87	607 73	10	3½
4002	Concrete sidewalk on the east side of Simcoe street, between Front street and Station street.....	“	368 83	136 26	232 57	10	3½

SCHEDULE B.—Continued.

No. of By-law.	Nature of Work under By-Law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of Payment.	Rate of Interest.
		March 11, 1901.	\$ 124 18	\$ 43 00	\$ 81 18	10	3½
4003	Concrete sidewalk on the north side of South drive, between the north limit of lot No. 1, and the east limit thereof . . .	"	3,585 14	505 07	3,080 07	10	3½
4004	Concrete sidewalks on both sides of Spadina avenue, between Spadina crescent and Bloor street	"	1,486 37	158 02	1,328 35	10	3½
4005	Concrete sidewalks on both sides of Spadina road, between Bloor street and Lowther avenue	"	1,920 70	51 61	1,869 09	10	3½
4006	Concrete sidewalks on both sides of Spadina road, between Lowther avenue and Bernard avenue	"	495 52	30 86	464 66	10	3½
4007	Concrete sidewalk on the west side of St. George street, between Russell street and Wilcocks street	"	369 45	22 20	347 25	10	3½
4008	Concrete sidewalk on the west side of St. George street, between the south limit of house No. 92, and the north limit of house No. 112	"	556 20	85 07	471 13	10	3½
4009	Concrete sidewalk on the east side of St. Vincent street, between Grenville street and Grosvenor street	"	137 29	68 65	68 64	10	3½
4010	Concrete sidewalk on the west side of Teraulay street, between College street and a point distant eighty-four feet south thereof	"	573 47	66 37	507 10	10	3½
4011	Concrete sidewalk on the east side of Walmer road, between Bloor street and the north limit of house No. 13, Walmer road	"	640 60	164 00	476 60	10	3½
4012	Concrete sidewalks on both sides of Washington avenue, between Huron street and Spadina avenue	"	364 38	98 01	266 37	10	3½
4013	Concrete sidewalk on the north side of Wilcocks street, between Spadina avenue and Robert street	"	1,068 03	204 58	863 45	10	3½
4014	Concrete sidewalk on the north side of Winchester street, between Parliament street and Sumach street	"					

4015	Concrete sidewalk on the south side of Winchester street, between the first lane east of Parliament street and Metcalfe street	"	187 39	28 75	158 64	10	3½
4016	Concrete sidewalk on the south side of Wellington street, between a point distant ninety-eight feet ten inches east of York street and a point distant one hundred and sixty-four feet four inches west of Bay street	"	977 95	.....	977 95	10	3½
4021	Asphalt pavement on Bernard avenue, between Bedford road and St. George street	March 25, 1901	5,659 05	2,445 69	3,213 36	10	3½
4022	Asphalt pavement on Bloor street, between Avenue road and Walmer road	"	31,916 53	14,245 08	17,671 45	10	3½
4023	Asphalt pavement on Brunswick avenue, between Ulster street and Sussex avenue	"	10,423 79	1,693 73	8,730 06	10	3½
4024	Asphalt pavement on Brunswick avenue, between Bloor street and Wells street	"	16,141 50	2,144 32	13,997 18	10	3½
4025	Asphalt pavement on Church street, between King street and Queen street	"	13,126 39	6,067 39	7,059 00	10	3½
4026	Asphalt pavement on Cowan avenue, between King street and Huxley street	"	11,032 19	1,500 00	9,532 19	10	3½
4027	Asphalt pavement on Howland Avenue, between Bloor street and Barton avenue	"	9,287 86	2,390 56	6,897 30	10	3½
4028	Asphalt pavement on Huron street, between Lowther avenue and Bernard avenue	"	9,678 23	2,084 67	7,593 56	10	3½
4029	Asphalt pavement on King street, between Spadina avenue and Bathurst street	"	22,980 17	4,898 53	18,081 64	10	3½
4030	Asphalt pavement on Lippincott street, between Ulster street and Bloor street	"	16,094 71	4,449 48	11,645 23	10	3½
4031	Asphalt pavement on Lowther avenue, between St. George street and a point distant one hundred and fifty-eight feet east of Bedford road	"	6,937 95	2,435 46	4,502 49	10	3½
4032	Asphalt pavement on Lowther avenue, between Spadina road and Walmer road	"	2,405 46	1,218 42	1,187 04	10	3½
4033	Asphalt pavement on Markham street, between College street and a point distant seven hundred and fifty-nine feet south thereof	"	6,876 87	1,230 85	5,646 02	10	3½
4034	Asphalt pavement on Manning avenue, between College street and Ulster street	"	9,523 31	1,070 38	8,452 93	10	3½

SCHEDULE B.—Continued.

No. of By-Law.	Nature of Work under By-Law.	When passed by Council.	Amount of Debt created.	Amount to be borne by city.	Amount to be borne by rate-payers.	Period of Payment.	Rate of Interest.
		March 25, 1901	\$	\$	\$		
4035	Asphalt pavement on Mercer street, between John street and Peter street	"	5,776 84	1,979 41	3,797 43	10	3½
4036	Asphalt pavement on Prince Arthur avenue, between St George street and a point distant two hundred feet and three inches east of Bedford road	"	7,138 76	2,016 65	5,122 11	10	3½
4037	Asphalt pavement on Spadina road, between Bloor street and Bernard avenue	"	17,130 12	2,122 12	15,008 00	10	3½
4038	Asphalt pavement on Sussex avenue, between Spadina avenue and Borden street	"	10,415 01	4,899 62	5,515 39	10	3½
4039	Brick pavement on Front street, between York street and Simcoe street	"	7,906 62	1,347 20	6,559 42	10	3½
4040	Brick pavement on Lombard street, between Victoria street and Church street	"	5,200 57	1,872 76	3,327 81	10	3½
4041	Brick pavement on Manning avenue, between Ulster street and Harbord street	"	4,916 29	1,132 29	3,784 00	10	3½
4042	Brick pavement on Niagara street, between Bathurst street and King street	"	13,192 10	3,713 10	9,479 00	10	3½
4043	Brick pavement on West Lodge avenue, between Queen street and a point distant two hundred and forty feet north thereof	"	1,735 17	638 22	1,096 95	10	3½
4044	Macadam pavement on Beau street, between Elin avenue and South Drive	"	1,225 17	393 45	831 72	5	3½
4045	Macadam pavement on Front street, between George street and Sherbourne street	"	1,512 15	468 37	1,043 78	3	3½
4046	Macadam pavement on Grange road, between Beverley street and McCaul street	"	1,255 79	421 86	833 93	3	3½
4047	Macadam pavement on North street, between St. Mary street and Bloor street	"	3,436 45	828 41	2,608 04	5	3½

4048	Macadam pavement on River street, between Gerrard street and Spruce street.....	"	1,083 84	209 00	874 84	5	3½
4049	Macadam pavement on Strickland Place, between Noble street and Eambridge street.....	"	842 31	423 96	418 35	5	3½
4050	Macadam pavement on St Mary street, between Yonge street and the west end of St. Mary street.....	"	7,886 24	2,828 39	5,057 85	5	3½
4051	Macadam pavement on Woolsley street, between Esther street and Bathurst street.....	"	5,762 24	2,388 44	3,373 80	5	3½
4052	Local improvement debentures to defray the ratepayers' share of the cost of certain sewers laid down in the year 1900.....	"	5,761 42	1,463 00	4,298 42	10	3½
4053	Local improvement debentures to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the year 1900.....	"	63,987 41	21,136 67	42,850 74	5	3½
4054	Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1900.....	"	16,996 28	2,581 99	14,414 29	3	3½
4055	Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1900.....	"	14,593 59	3,232 71	11,360 88	3	3½
4057	Asphalt pavement on Admiral road, between Lowther avenue and Bernard avenue.....	April 9, 1901.	10,403 88	1,148 45	9,255 43	10	3½
4058	Asphalt pavement on Boswell avenue, between Avenue road and Bedford road.....	"	4,607 47	1,057 47	3,550 00	10	3½
4059	Asphalt pavement on Front street, between Jarvis street and George street.....	"	6,332 07	3,478 97	2,853 70	10	3½
4060	Asphalt pavement on Glen road, between Howard street and the bridge.....	"	3,246 83	1,105 47	2,141 36	10	3½
4061	Brick pavement on Atkin avenue, between Brock avenue and the east end of Atkin Avenue.....	"	974 67	117 63	857 04	10	3½
4062	Brick pavement on Buchanan street, between Yonge street and Terauley street.....	"	4,651 44	703 49	3,947 95	10	3½
4063	Brick pavement on Fuller street, between Queen street and Pearson avenue.....	"	5,174 24	789 37	4,384 87	10	3½
4064	Brick pavement on the first lane south of Front street, between Yonge street and Scott street.....	"	1,572 21	478 21	1,094 00	10	3½
4065	Brick pavement on the first lane south of King street, between Dorset street and John street.....	"	985 01	394 01	591 00	10	3½

SCHEDULE B.—Continued.

No. of By-Law.	Nature of work under By-Law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment.	Rate of interest.
4066	Brick pavement on Markham street, between Queen street and Arthur street.	April 9, 1901.	\$ 13,373 09	\$ 4,528 00	\$ 8,845 09	10	3½
4067	Brick pavement on Robinson street, between Bathurst street and Palmerston avenue.	"	4,433 31	1,988 86	2,444 45	10	3½
4068	Cedar block pavement on Palmerston avenue, between Robinson street and Arthur street.	"	2,506 32	445 92	2,060 40	5	3½
4069	Macadam pavement on Davenport road, between Avenue road and a point distant six hundred and thirty-six feet west thereof.	"	3,147 08	534 81	2,612 27	5	3½
4070	Macadam pavement on Hickson avenue, between St. Claren's avenue and a point distant two hundred and ninety-four feet east thereof.	"	780 60	179 45	601 15	5	3½
4071	Macadam pavement on Maple avenue, between Glen road and Sherbourne street.	"	3,017 40	903 50	2,113 90	5	3½
4072	Macadam pavement on McDonnell square, between Bathurst street and Defoe street.	"	774 52	309 81	464 71	3	3½
4073	Macadam pavement on McKenzie crescent, between Dovercourt road and Beaconsfield avenue.	"	2,563 85	569 30	1,994 55	3	3½
4074	Macadam pavement on Spadina avenue, between Front street and King street.	"	7,714 60	4,344 45	3,370 15	5	3½
4075	Cobble stone pavement on Farquhar's lane, between Front street and Esplanade street.	"	845 11	230 86	614 25	5	3½
4076	Gravel pavement on Grosvenor street, between Yonge street and Queen's Park crescent.	"	1,222 78	476 28	746 50	3	3½
4077	Altering roadway and constructing wood curbing on the south side of Eden place, between Bathurst street and the east end of Eden place.	"	200 62	91 62	109 00	3	3½
4078	Altering roadway and constructing new wood curbing on Portland street, between King street and Front street.	"	711 97	229 78	482 19	2	3½

4079	Wood curbing on the west side of Seaton street, between Queen street and Wilton avenue	April 9th, 1901	236 07	39 07	197 00	2	3½
4080	Concrete sidewalk on the east side of Bay street, between Temperance street and Queen street (except opposite the Medical Council Building)	"	685 99	237 10	448 89	10	3½
4081	Concrete sidewalk on the west side of Bay street, between King street and Wellington street (excepting twenty-four feet nine inches in front of No. 76 and twenty-six feet in front of No. 80	"	941 95	168 46	773 49	10	3½
4082	Concrete sidewalk on the north side of Bernard avenue, between Avenue road and Bedford road	"	843 80	142 00	701 80	10	3½
4083	Concrete sidewalk on the south side of Cecil street, between Beverley street and Huron street	"	585 21	138 35	446 86	10	3½
4084	Concrete sidewalks on both sides of Colborne street, between Yonge street and West Market street (excepting on the south side, from west side of Church street to a point two hundred and ninety-eight feet west; and from east side of Yonge street to a point thirty-four feet ten inches east; on the north side, from west side of Leader lane to a point ninety feet four inches west; and from east side of Yonge street to a point one hundred and sixty feet four inches east; and thirty-two feet four inches opposite Nos. 28 and 28½; and opposite all intersecting lanes where permanent walks are already laid)	"	2,513 52	793 92	1,719 60	10	3½
4085	Concrete sidewalk on the north side of Front street, between York street and a point distant five hundred and seventy-nine feet west thereof	"	1,103 36	148 90	954 46	10	3½
4086	Concrete sidewalk on the north side of Lowther avenue, between Spadina road and the north limit of house No. 17 Walmer Road	"	425 46	256 66	168 80	10	3½
4087	Concrete sidewalk on the north side of Lowther avenue, between St. George street and Huron street	"	642 83	151 25	491 58	10	3½
4088	Concrete sidewalk on the north side of Shuter street, between Jarvis street and George street	"	242 91	80 97	161 94	10	3½
4089	Concrete sidewalk on the east side of Tyndall avenue, between a point distant three hundred and fifty-four feet south of King street and a point distant four hundred and fifty-six feet further south	"	411 90	.....	411 90	10	3½

SCHEDULE B.—Continued.

No. of By-Law.	Nature of work under By-Law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of payment.	Rate of interest.
4090	Concrete sidewalk on the east side of Yonge street, between Alexander street and Maitland street	April 9, 1901.	\$ 792 11	\$ 87 40	\$ 704 71	10	3½
4091	Brick sidewalk on the south side of Goula street, between Dalhousie street and Mutual street	"	351 73	15 83	335 90	10	3½
4092	Local improvement debentures to defray the ratepayers' share of the cost of certain sewers laid down in the year 1900	"	1,261 28	400 46	860 82	10	3½
4093	Local improvement debentures to defray the ratepayers' share of the cost of certain cedar block pavements laid down in the year 1900	"	12,772 18	4,259 58	8,512 60	5	3½
4094	Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1900	"	11,029 10	1,479 52	9,549 58	3	3½
4095	Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1900	"	2,815 69	567 81	2,247 88	3	3½
4096	Local improvement debentures to defray the ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1900	"	2,552 83	651 66	1,901 17	3	3½
4098	Asphalt pavement on King street, between Simcoe street and Spadina avenue	"	27,644	14,495 47	13,149 00	10	3½
4110	Local improvement debentures, consolidating the broken amounts, being the ratepayers' share, named in certain local improvement by-laws	April 22, 1901	421,572 79	.....	421,572 79	various	3½
4111	Consolidating the city's share of the amounts named in certain local improvement by-laws	July 15th, 1901	161,4 4 42	161,454 42	.....	10	3½

CHAPTER 66.

An Act respecting the Town of Toronto Junction.

Assented to 17th March, 1902.

WHEREAS the municipal corporation of the town of Toronto Junction has by petition represented that since the enactment of the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, chaptered 103, The Union Stock Yards Company, Limited, has been incorporated, and has acquired the interests and rights of The Western Stock Market Company referred to in the said Act under the by-law and agreement set forth as Schedules to the said Act, and that the said municipal corporation by its by-law numbered 502 and the agreements thereby authorized has agreed with The Union Stock Yards Company, subject to legislation ratifying the said last mentioned by-law and agreements, to extend the times limited for the commencement and completion respectively of the works provided for in the schedules to the said Act, and also to extend the privileges therein mentioned to an industry for the manufacture of beet root sugar, and to permit the increase of the amount of land to be acquired from thirty-five acres to an amount not exceeding a hundred acres, and to release the company from the obligation of employing a specified number of men and as to their place of residence, and to fix the minimum assessment of the company's property, and to provide that the exemption from taxation to be enjoyed by the company shall not extend to the buildings on the lands at the time the same were acquired by the company; and whereas the said municipal corporation has by petition further represented that section 11 of the said Act is not sufficiently clear in its meaning, and has prayed for legislation to remove all doubts as to the application of the said section, and has also prayed for the confirmation of certain subsequent tax sales; and whereas counsel for the committee representing the interests of the holders of the debentures of the said municipal corporation appeared and represented that there was no objection to the legislation on the part of the debenture holders; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 502
relating to
Union Stock
Yards Co.
confirmed.

1. By-law number 502 of the Municipal Corporation of the Town of Toronto Junction intituled "A By-law in reference to The Union Stock Yards Company, Limited," and passed on the 6th day of May, 1901, a copy of which is printed as Schedule A hereto, and the agreement made between the Corporation of the Town of Toronto Junction and The Union Stock Yards Company, Limited, and dated the 6th day of May, 1901, a copy of which is printed as schedule "B" hereto, are ratified, authorized and confirmed, and the said municipal corporation and the said company are declared to have and to have had power to make and to enter into the said agreement.

63 V. c. 103,
s. 6, amended.

2. The Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 103, is amended by striking out the words "thirty-five" in section 6 thereof, and substituting therefor the words "one hundred."

Exemption
from taxation
what to
include.

3. The exemption from taxation provided for in the said agreements and by-laws is hereby extended so as to expire at the end of 30 years from the 1st day of January, 1903, but shall not extend to dwelling houses nor to any buildings or lands except such as are necessarily used in connection with the industries referred to in the said by-laws and agreements, and any dwelling houses upon lands acquired by the company or subsequently erected by the company thereon, together with the lands used in connection with such dwellings, shall remain liable to the usual taxation, and for the year 1902 the company shall not be entitled to any exemption.

Assessment of
property of
company.

4. Subject as in last section provided the property of The Union Stock Yards Company within the said town used in connection with the industries referred to in the said by-laws and agreements shall be assessed for the years 1903 and 1904 at not less than \$300,000, and thereafter at not less than \$400,000.

Elevated foot-
way across
lands of
C. P. R. Co.

5. The said Municipal Corporation of the Town of Toronto Junction shall not because of entering into the said agreements or passing the said by-laws be deprived of the right to construct an elevated footway across the lands of The Canadian Pacific Railway Company about half way between Keele and Elizabeth streets, under the agreement between the said municipal corporation and the said railway company dated the 18th day of November, 1889, and The Union Stock Yards Company shall, upon demand by the said municipal corporation convey to the said municipal corporation sufficient lands for an approach to the said elevated footway, the location of the said approach to be fixed by the municipal council, or in the alternative The Union Stock Yards Company may instead of granting the said approach elect upon such demand being made to allow the said municipal corporation to extend such elevated footway

across.

across the lands of the stock yards company to St. Clair avenue by a properly constructed footway along the ridge of the roofs of the company's pens, the supports of the roofs of such pens to be made sufficiently strong by the said stock yards company to support such elevated footway; provided that the elevation of such footway across the lands of the said stock yards company shall not, without the consent of the said municipal corporation, be higher than that portion thereof which crosses the said railway company's lands, and provided also that in the construction of said footway by the said municipal corporation the alleys running through the stock yards shall not be obstructed by supports, but that all alleys of a width of twenty feet and under shall be bridged, the said municipal corporation and the said stock yards company respectively maintaining in repair the portions of the walks to be constructed by them respectively as above mentioned.

6. (1) All sales of lands within the said town had before the 4th day of November, 1900, and purporting to be made for arrears of taxes in respect of the lands so sold including sales of lands which may have been purchased by the council of the said corporation or any one on behalf of the said council under the provisions of *The Assessment Act*, and all tax deeds purporting to be issued in pursuance of such sales, are hereby validated and confirmed notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes or any failure to comply with the requirements of *The Assessment Act*, or any error or irregularity in any assessment roll or collector's roll, or in any of such tax deeds, and notwithstanding any failure or omission on the part of any official of the said town to comply with any requirements of *The Assessment Act*, or *The Municipal Act*, or of any other statute in reference to the matters aforesaid. Tax sales confirmed.

(2) This section shall not apply to any land being administered under direction of the Court under the winding up of the Farmers' Loan and Savings Company except where the tax title to such lands has been acquired for the purpose of the estate being administered, and nothing herein contained shall render valid any tax deed of land of which the title was in Mrs. James Lochrie prior to the making of such tax deed. Saving as to certain cases.

SCHEDULE A.

(Section 1.)

BY-LAW NUMBER 502.

A By-law in reference to the Union Stock Yards Company, Limited.

Passed 6th May, 1901.

Whereas the corporation entered into an agreement with the Western Stock Market Company bearing date 12th May, 1898, which said agreement was duly ratified as therein amended by the Act 63 Victoria, chapter 103 (Ontario), and said agreement has been assigned to the Union Stock Yards Company, Limited.

And

And whereas it is deemed expedient that the times limited in said agreement be extended as hereinafter provided and that the privileges and exemptions therein granted be extended so as to embrace an industry for the manufacture of beet root sugar, and that the acreage mentioned in said agreement be extended from 35 acres to not exceeding 100 acres and that the provisions in said agreement relating to the employment and residence of a specified number of men be eliminated from said agreement, the company consenting to a minimum assessment as hereinafter provided.

Be it therefore enacted by the municipal council of the corporation of the Town of Toronto Junction as follows :

1. That the time for commencement of the construction of the cattle market, as provided in the hereinbefore in part recited agreement, be extended to 1st May, 1902, and for completion of said cattle market until 1st May, 1903.

2. That the privileges and exemptions provided for in said agreement shall extend to an industry for the manufacture of beet root sugar, if such is commenced and completed within the above periods, otherwise the rights under said agreement shall cease as to such beet root sugar industry.

3. That the acreage in said agreement be increased from 35 acres to an area not exceeding 100 acres.

4. That the said company be released from liability under the provisions in said agreement as to the employment and residence of a specified number of men.

5. The above sections shall not come into force or take effect until the Union Stock Yards Company, Limited, shall have executed an agreement in form satisfactory to the town solicitor, agreeing that the assessment of their property for the years 1903 and 1904 shall be at least \$300,000 and afterwards at least \$400,000.

6. That the mayor and clerk be authorized to sign and attach the corporate seal to an agreement when so approved by the town solicitor containing the above provisions, and also to an agreement substituting the Union Stock Yards Company, Limited, for the Western Stock Market Company as provided for in said original agreement.

7. That this by-law shall not come into force or take effect until the same and said agreement shall be ratified and confirmed by special legislation, which said legislation the corporation will promote and prosecute upon previous payment by the company of the necessary fees to the clerk of the Legislative Assembly, the costs of advertising and other necessary expenses.

[Seal]

(Sgd.)

(Sgd.)

R. ARMSTRONG, Mayor.

W. J. CONRON, Clerk.

SCHEDULE B.

(Section 1.)

THIS AGREEMENT made in duplicate this 6th day of May, 1901, between the corporation of the Town of Toronto Junction, hereinafter called the corporation of the first part and the Union Stock Yards Company, hereinafter called the company of the second part.

Whereas the said corporation entered into an agreement with the Western Stock Market Company, bearing date the twelfth day of May, 1898, pursuant to by-law 444 of the same date.

And whereas the said agreement has been duly ratified as therein amended by the provisions of 63 Victoria, chapter 103.

And whereas the said agreement has been assigned to the Union Stock Yards Company, Limited, with which company and the said Western Stock Market Company, the corporation has entered into an agreement of substitution, bearing even date herewith as provided for in said agreement of the 12th May, 1898.

And whereas it is deemed expedient that the times limited in said agreement be extended and that the privileges and exemptions therein granted

granted be extended so as to embrace an industry for the manufacture of beet-root sugar, if situated upon the lands of the said company within the said corporation and that the acreage mentioned in said agreement be extended from thirty-five acres to not exceeding one hundred acres and that the company be released from liability under the provisions in said agreement relating to the employment and residence of a specified number of men.

And whereas by by-law number 502 of the municipal council of said corporation, bearing even date herewith, it was enacted that an agreement should be entered into between the corporation and said company in pursuance thereof.

Now, therefore, it is agreed between the said corporation and the said company, their and each of their successors and assigns, as follows:—

1. That the time limited in said agreement of 12th May, 1898, for the commencement of the said works be extended to 1st May, 1902, and for the completion thereof to 1st May, 1903.

2. That the privileges and exemptions in said agreement mentioned and granted to the said company in respect to undertakings therein mentioned be, and the same are, hereby extended, so as to embrace and include an industry for the manufacture of beet-root sugar if situated upon the lands of the said company within the said corporation and if said beet-root sugar manufactory is commenced and completed within the times above provided, otherwise all rights under this agreement as to such beet-root sugar industry shall cease.

3. That the acreage mentioned in said agreement be, and the same is, hereby extended from thirty-five acres to not exceeding one hundred acres.

4. That the company are hereby released from liability under the provisions contained in said agreement relating to the number of men to be employed in and about the industries therein mentioned and their place of residence and the said provisions are hereby eliminated from the said agreement.

5. That the company covenants and agrees that the assessment of its property within the town for the years 1903 and 1904 shall be not less than \$300,000 and afterwards shall be not less than \$400,000.

6. That upon previous payment by the said company of the fees payable to the clerk of the Legislative Assembly for the necessary advertising, the corporation will, as soon as possible, promote, encourage and prosecute legislation confirming the said by-law, number 502, and this agreement made in pursuance thereof and enabling the said corporation to carry the same into effect according to the true intent and meaning thereof. Provided always that until legislation is obtained ratifying the same the said by-law and this agreement in pursuance thereof shall take effect only to such extent as the said corporation may by law have power to make and enter into the same, and that save and except in so far as the same is hereby expressly and effectively varied, the said agreements shall remain in full force and effect.

In witness whereof the said parties have caused to be affixed hereto their corporate seals and the hands of their proper officers.

Signed, sealed and delivered }
in the presence of }

(Sgd.) C. C. GOING.

Seal of
Company

(Sgd.) JAMES D. ALLAN,
President.
ANDREW DODS,
Secretary.

Seal of
Corporation

R. ARMSTRONG,
Mayor.
W. J. CONRON,
Town Clerk.
CHAPTER

CHAPTER 67.

An Act respecting the Town of Wiarton.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Corporation of the Town of Wiarton has by petition shewn that the council of the said town did on the 20th day of January, 1902, pass By-law No. 203 of the said town intituled "A by-law granting aid by way of bonus for the promotion of the establishment of a beet-sugar factory within the limits of the Corporation of the Town of Wiarton," which by-law is set forth in the schedule to this Act, and that the said by-law has been submitted to, and has received the assent of more than three-fifths of the ratepayers of the said town and that The Wiarton Beet Sugar Manufacturing Company, Limited, has commenced the erection of a beet sugar factory upon lands part of which lie within the limits of the said town and part in the Township of Keppel in the County of Grey, immediately adjoining the limits of the said town, upon the promise of the Municipal Council of the Town of Wiarton that steps would be taken to bring the whole of the said lands upon which said factory is being erected within the limits of the town; and that at the request and with the consent of the owners of the said lands whereon the said factory is being erected an application has been made by the said council and is now pendine to bring the whole of the said lands within the limits of the said town; and that the erection of the said factory was commenced upon a further promise of the said town to pass a by-law for granting a bonus to The Wiarton Beet Sugar Manufacturing Company, Limited, of \$25,000; and that the requirements of the provisions of *The Municipal Act* have been fully complied with in all respects, saving and excepting that a portion of the lands upon which The Wiarton Beet Sugar Manufacturing Company, Limited, is erecting its beet sugar factory are outside of the limits of the Town of Wiarton, and saving and excepting that the annual levy for principal and interest under the said by-law will, with the payment of a similar bonus already granted by the said municipality, somewhat exceed ten per cent. of the total annual municipal taxation of the said town; and whereas the said corporation has by petition prayed that an Act may be passed to confirm and legalize the said by-law and to confirm the assessment of the said company at \$80,000 for a period of nine years from the first day of January, 1903, and whereas the establishment of the beet sugar industry in this Province is a matter of general public interest.

interest and importance, and provision has been made for aiding and encouraging this said industry by provincial subsidy in that behalf; and whereas the circumstances of the case are quite exceptional, and no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions hereinafter contained, By-law Number 203 of the Municipal Corporation of the Town of Wiarton, set forth as Schedule A to this Act, is confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise; and the Corporation of the Town of Wiarton is authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued or to be issued under the said by-law are declared to be legal and binding upon the said municipality; and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

By-law
No. 203 of
Town of
Warton con-
firmed.

2. The assessment of the property, both real and personal, of The Wiarton Beet Sugar Manufacturing Company, Limited, is fixed for the period of nine years from the first day of January, 1903, at the sum of \$80,000; provided, however, that this section shall not come into force and effect unless the other provisions of the said by-law as to granting the said bonus of \$25,000 are carried out by the Corporation of the Town of Wiarton.

Assessment of
Warton Beet-
Sugar Manufg.
Co., fixed.

SCHEDULE.

BY-LAW No. 203.

A By-law for granting aid, by way of bonus, for the promotion of the establishment of a Beet Sugar Factory within the limits of the Corporation of the Town of Wiarton.

Whereas the Wiarton Beet Sugar Manufacturing Company (Limited) has applied to the municipal council of the said corporation of the Town of Wiarton to aid the said company by granting it by way of bonus the sum of \$25,000 in lieu of the six annual payments of \$800 each granted by by-law No. 127 of the said Town of Wiarton, confirmed by chapter 106 of the Statutes passed by the Legislature of the Province of Ontario in the 3rd session of the 63rd year of the reign of Her late Majesty, Queen Victoria, and to fix the assessment of the property, real and personal, of the said company within the limits of the said corporation at \$80,000 for the nine years, commencing January 1st, 1903, in lieu of the total exemption

as

as provided by said by-law No. 127, on condition that the said company erect a beet sugar factory within the limits of the corporation of the Town of Wiarton, to be finished and completed with buildings costing at least \$75,000, and equipped with machinery costing at least \$200,000, the company agreeing after the factory has commenced operations to run the same at least 100 days in the year, and during such time to employ 150 persons or employees; the said company entering into a written agreement with the said corporation to do all things hereinbefore mentioned to be done on their part, and that on failure in performance of any one or more of said conditions, the said company shall repay to the said corporation the said bonus or so much as shall have been paid to the said company:—

Provided that if 150 hands on an average are not employed during the time the factory is in operation in each year, then said company may pay interest on said sum of \$25,000 at 5 per cent. per annum for that year, and in that case the foregoing conditions of this by-law shall not be considered as broken.

Provided further, that if said factory ceases to be run for a period of at least 100 days in any year and said company then pay said corporation interest on the said sum of \$25,000 at five per cent. per annum for that year, said conditions shall not be considered as broken.

Provided that the said bonus or any part thereof shall not be paid unless and until the lands upon which the said factory shall be erected are incorporated with or form a part of the corporation of the Town of Wiarton.

Provided that the said company shall not remove any of its machinery or plant, except in the way of repairs, renewal or replacing the same, from out of the limits of the corporation of the said town for a period of ten years from January 1st, 1902.

Provided that such bonus shall be paid to the said company in instalments as follows:—\$5,000 when the walls of the first story of the factory are erected; \$5,000 when the walls of the second story are erected; \$5,000 when the walls of the third story are erected, and \$10,000 when the walls of the fourth story are erected:—

And whereas it is advisable that the Town of Wiarton should grant a bonus of \$25,000 to The Wiarton Beet Sugar Manufacturing Company (Limited), in aid of the said company as requested:

And whereas in order thereto it will be necessary to issue debentures of the Town of Wiarton for the sum of \$25,000 as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and to no other;

And whereas it is desirable to issue the said debentures at one-time and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period;

And whereas the total amount required by *The Municipal Act*, to be raised annually by special rate, for paying the said debt and interest as hereinafter provided is \$1,839.55;

And whereas the amount of the whole rateable property of the said Town of Wiarton is \$436,383 according to the last revised assessment roll;

And whereas the amount of the existing debenture debt of the said Town of Wiarton is \$75,518.26, no part of which either for principal or interest is in arrears;

Be it therefore enacted, and it is hereby enacted, by the municipal council of the corporation of the Town of Wiarton as follows:—

1. A bonus of \$25,000 is hereby granted by the Town of Wiarton to the Wiarton Beet Sugar Manufacturing Company, Limited, in aid of the said company, upon the above recited terms and conditions; and for the purpose of raising the said sum debentures of the said Town of Wiarton to the amount of \$25,000 as aforesaid shall be issued in sums of not less than \$100 each on the first day of June, 1902, each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Union Bank of Canada in the said Town of Wiarton;

2. Each of the said debentures shall be signed by the Mayor of the said Town of Wiarton or by some other person authorized by by-law to sign the same, and also by the treasurer of the said town of Wiarton, and the clerk of the said Town of Wiarton shall attach thereto the corporate seal of the municipality;

3. The said debentures shall bear interest at the rate of four per centum per annum payable yearly at said bank on the first day of June in each and every year during the currency thereof, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the mayor and treasurer of the said Town of Wiarton.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Wiarton the sum of \$1,839.55 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt, as follows:—

Year.	Interest.	Principal.	Total am't each year.
1902.....	\$1,000 00	\$839 55	\$1,839 55
1903.....	966 42	873 13	
1904.....	931 50	908 05	
1905.....	895 18	944 37	
1906.....	857 41	982 14	
1907.....	818 12	1,021 43	
1908.....	777 26	1,062 29	
1909.....	734 77	1,104 78	
1910.....	690 58	1,148 97	
1911.....	644 62	1,194 93	
1912.....	596 82	1,242 73	
1913.....	547 11	1,292 44	
1914.....	495 41	1,344 14	
1915.....	441 64	1,397 91	
1916.....	345 73	1,453 82	
1917.....	327 58	1,511 97	
1918.....	267 10	1,572 45	
1919.....	204 20	1,635 35	
1920.....	138 79	1,700 76	
1921.....	70 76	1,768 79	

5. This by-law shall take effect on the first day of June, 1902.

6. The assessment of the property, both real and personal, of the said The Wiarton Beet Sugar Manufacturing Company, Limited, is hereby fixed for the period of nine years from January 1st, 1903, at the sum of \$80,000. This clause shall not come into effect unless the other provisions of this by-law as to granting the bonus of \$25,000 comes into effect.

7. A poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon at the times and places, that is to say, on Monday, the 6th day of January, 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day, the places being those at which elections of the members of the council of said town are held, and that the following persons shall be respectively the deputy returning officers, namely:—

North

North Ward, at the Wiarton Beet Sugar Co.'s office, lot 2, W. B. S. D.—Thomas C. Allan, deputy returning officer.

East Ward, at George Field's house, lot 18, E. B. S. D.—C. F. Campbell, deputy returning officer.

West Ward, at the council chamber, lot 13, W. B. S. D.—W. J. Ferguson, deputy returning officer.

9. On Saturday, the 4th day of January, A.D. 1902, the mayor of the said town shall attend at the council chamber at twelve o'clock noon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

10. The clerk of the council of the said town shall attend at the town hall, in the council chamber, thereof at twelve o'clock noon, on the 7th day of January, 1902, and sum up the number of votes given for and against this by-law.

11. Excepting so far as it is necessary to support debentures already issued, and to preserve the rights and liabilities arising or existing thereunder before the coming into force of this by-law, the said recited by-law Number 127 of the said town of Wiarton is hereby repealed.

Dated at the Town of Wiarton this 20th day of January, A.D. 1902.

WILLIAM BERNIE, Mayor.

W. J. FERGUSON, Clerk.

CHAPTER 68.

An Act respecting the County of York.

Assented to 17th March, 1902.

WHEREAS by agreement made between the City of Toronto and the County of York respecting the erection and maintenance of a court house, and the expenses of the administration of justice, which agreement is contained in the schedule to chapter 73 of the statutes passed in the 48th year of the reign of Her late Majesty Queen Victoria, it was amongst other things, provided that the county should pay to the city such sum annually in respect of the use of the said court house for county purposes, including the holding of courts and the use of portions thereof by judicial officers of the judicial county, as a part of such judicial county should justly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said court house as might be agreed upon, or, in case the parties were unable to agree, such annual sum as should be settled by arbitration as provided by said agreement; and whereas it was provided that if the cost of the site and of the erection of the court house with the offices aforesaid should exceed \$400,000 yet in fixing said annual sum the cost of the site and erection of the buildings was not to be taken at any larger amount than \$400,000 and whereas the City of Toronto and the County of York have agreed that in lieu of such annual sum for the use of the said court house the said county shall pay to the said city the sum of \$84,000 in cash as of the first day of April, 1900; and whereas it is expedient that a by-law of the county to raise the said sum of \$84,000 by the issue of debentures should be validated and confirmed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 867 of the Corporation of the County of York, intituled "A by-law to raise by way of loan \$84,000 to be paid in lieu of an annual sum for the use of the Court House and offices in the City of Toronto," which by-law is set forth in Schedule A to this Act, and all debentures to be issued thereunder are hereby validated and confirmed.

By-law No.
867 validated

The county
empowered to
rent the old
Court House.

2. The corporation of the said county shall be at liberty to rent to any person or corporation any portion of the old county court-house building in the City of Toronto, and such renting shall not affect the exemption from taxation of the said building and the land whereon it is situate (except for local improvements), provided however that the City of Toronto may impose and collect taxes on such portions of the said building as may be rented at any time, the value of such portions for the purposes of assessment to be based on the amount of such rental.

SCHEDULE A.

BY-LAW No. 867 TO RAISE, BY WAY OF LOAN, EIGHTY-FOUR THOUSAND DOLLARS TO BE PAID IN LIEU OF AN ANNUAL SUM FOR THE USE OF THE COURT HOUSE AND JUDICIAL OFFICES IN THE CITY OF TORONTO.

Whereas by agreement made between the City of Toronto and the County of York respecting the erection and maintenance of a court house, and the expenses of the administration of justice, which agreement is contained in the schedule to chapter 73 of the statutes passed in the 48th year of the reign of Her late Majesty Queen Victoria, it was, amongst other things, provided that the county should pay to the city such sum annually in respect of the use of the said court house for county purposes, including the holding of courts and the use of portions thereof by judicial officers of the judicial county, as a part of such judicial county should honestly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said court house as might be agreed upon, or, in case the parties were unable to agree, such annual sum as should be settled by arbitration as provided by said agreement; and it was provided that if the cost of the site and of the erection of the court house with the offices aforesaid should exceed four hundred thousand dollars, yet in fixing said annual sum the cost of the site and erection of the buildings was not to be taken at any larger amount than four hundred thousand dollars; and whereas the City of Toronto and the County of York have agreed that in lieu of such annual sum for the use of the said court house and offices, the said county shall pay to the said city the sum of eighty-four thousand dollars (\$84,000) in cash as of the first day of April, 1901; and whereas it is expedient that the county should raise the said sum of \$84,000 by the issue of debentures;

And whereas it will require a total amount of \$4,857.73 to be raised annually, by special rate, for paying the said debt of eighty-four thousand dollars and interest thereon at four per cent. per annum, payable yearly;

And whereas the amount of the whole ratable property of the County of York, according to the last revised and equalized assessment roll, is \$26,730,246;

And whereas the existing debenture debt of the County of York is \$27,308.36 (of which sum \$7,003.44 is in non-resident land fund debentures, payable by the Municipal Corporation of the Township of York), and there is no principal or interest in arrears thereon;

It is therefore enacted by the Municipal Council of the Corporation of the County of York:

1. It shall be lawful for the Warden of the County of York to raise, by way of loan, from any person or corporation who may be willing to advance the same, upon the credit of the debentures hereinafter mentioned, the sum of eighty-four thousand dollars for the purposes aforesaid;

2. It shall be lawful for the Warden to cause a series of debentures to be made for the amount of the said sum of eighty-four thousand dollars, according to the following schedule:—

DEBENTURES AMOUNTING TO \$84,000, BEARING 4% INTEREST.

PAYABLE IN 30 EQUAL ANNUAL INSTALMENTS.

Year.	Interest.	Principal.	Amount.
1	\$3,360 00	\$1,497 75	\$4,857 73
2	3,300 09	1,557 64	4,857 73
3	3,237 79	1,619 94	4,857 73
4	3,172 99	1,684 74	4,857 73
5	3,105 60	1,752 13	4,857 73
6	3,035 51	1,822 22	4,857 73
24 s.			

7	2,962 63	1,895 10	4,857 73
8	2,886 82	2,970 91	4,857 73
9	2,807 98	2,049 75	4,857 73
10	2,725 99	2,131 74	4,857 73
11	2,640 73	2,217 00	4,857 73
12	2,552 05	2,305 68	4,857 73
13	2,459 82	2,397 91	4,857 73
14	2,363 90	2,493 83	4,857 73
15	2,264 15	2,593 58	4,857 73
16	2,160 41	2,697 32	4,857 73
17	2,052 51	2,805 22	4,857 73
18	1,940 30	2,917 43	4,857 73
19	1,823 61	3,034 12	4,857 73
20	1,702 24	3,155 49	4,857 73
21	1,576 02	3,281 71	4,857 73
22	1,444 75	3,412 98	4,857 73
23	1,308 24	3,549 49	4,857 73
24	1,166 26	3,691 47	4,857 73
25	1,018 60	3,839 13	4,857 73
26	865 03	3,992 70	4,857 73
27	705 32	4,152 41	4,857 73
28	539 23	4,318 50	4,857 73
29	366 49	4,491 24	4,857 73
30	186 84	4,670 89	4,857 73
\$61,731 90		\$84,000 00	\$145,731 90

And the said debentures shall be sealed with the seal of the Municipal Corporation of the County of York, and shall be signed by the Warden and countersigned by the Treasurer thereof.

3. The said debentures shall be payable upon the first day of April in each year, at the office of the Treasurer of the County of York, in the City of Toronto.

4. The said debentures shall bear interest at the rate of four per cent. per annum from the date thereof, which interest shall be payable yearly on the first day of April in each year, at the said Treasurer's office.

5. There shall be raised in each year during the currency of the said debentures, the sum of \$4,857.73 which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debentures, and the said instalments and interest shall, respectively, become payable according to the terms thereof.

6. The said annual sum of \$4,857.73 shall be raised and levied in each year by a special rate sufficient therefor, on all the ratable property in the municipality.

7. This by-law shall take effect, and come into operation the first day of April in the year of our Lord 1902.

Passed February 7th, 1902.

JOHN A. RAMSDEN,
Clerk.

(Sgd.) "

R. NORMAN,
Warden.. [Seal]

CHAPTER 69.

An Act to incorporate The Canada Central Railway Company.

Assented to 17th March, 1902.

WHEREAS Thomas William Patterson, of the City of Van- Preamble.
 couver, railway contractor; Thomas H. Johnson, of the
 City of Winnipeg, barrister; John Milne, of the City of
 Duluth, in the State of Minnesota, one of the United States of
 America, lumberman; Ebenezer F. B. Johnston, of the City of
 Toronto, in the Province of Ontario, Esquire, and Marshall
 Burns Lloyd, of the City of Minneapolis, in the State of Min-
 nesota, one of the United States of America, manufacturer,
 have by their petition prayed for an Act of Incorporation
 under the name of "The Canada Central Railway Company,"
 for the purpose of constructing and operating a railway from
 some point at or near the mouth of French River, on the north
 shore of Lake Huron, to some point on the Albany River as
 hereinafter set forth; and it has been represented that the
 line of the railway of the company so to be incorporated will,
 for the most part, be constructed in the unorganized part of
 the Province; and it is proposed to operate the same by steam
 or electricity; and whereas, owing to the location of the line
 of the said railway, the provisions of *The Electric Railway Act*
 are not applicable to the company so to be incorporated, and
 the said petitioners have prayed that there may be conferred
 upon them the powers ordinarily given upon the incorporation
 of a railway to be operated by steam; and whereas for the
 reasons aforesaid the circumstances of the said proposed line
 of railway are exceptional; and whereas it is expedient to
 grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. Thomas William Patterson, of the City of Vancouver, Incorporation.
 railway contractor; Thomas H. Johnson, of the City of Win-
 niipeg, barrister; John Milne, of the City of Duluth, in the
 State of Minnesota, one of the United States of America,
 lumberman; Ebenezer F. B. Johnston, of the City of Toronto,
 in the Province of Ontario, Esquire; and Marshall Burns
 Lloyd, of the City of Minneapolis, in the State of Minnesota,
 one of the United States of America, and such other persons
 and corporations as shall hereafter become shareholders of the
 company

company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Canada Central Railway Company," hereinafter called "the company".

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity with single or double iron or steel tracks commencing from a point at or near the mouth of the French River on the north coast of Lake Huron, north-westerly to some point on Whanapitae Lake, thence northerly to some point at or near the head waters of the Montreal River in the District of Nipissing, thence north-westerly to some point on the Albany River in the Province of Ontario, with power to construct a branch line southerly from said line of railway to the Towns of Port Arthur and Fort William on Lake Superior; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway.

Rev. Stat.,
c. 209,
Rev. Stat.,
c. 223.

Gauge.

3. The gauge of the said railway shall be four feet eight and one half inches.

Provisional
directors.

4. The said Thomas William Patterson, of the City of Vancouver, railway contractor; Thomas H. Johnson, of the City of Winnipeg, barrister; John Milne, of the City of Duluth, in the State of Minnesota, one of the United States of America, lumberman; Ebenezer F. B. Johnston, of the City of Toronto, in the Province of Ontario, Esquire, and Marshall Burns Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer, with power to add to their number shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock

stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the Province of Ontario, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purpose of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The company may receive from any government or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital
stock.

Rev. Stat.
c. 207.

9. The capital stock of the company hereby incorporated shall be \$1,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First meeting
to elect direc-
tors.

10. When and as soon as shares to the amount of one hundred thousand dollars of capital stock in the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the City of Toronto, of the time, place and purpose of the said meeting.

Directors,
number,
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Construction
of line by
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway*

Railway Act of Ontario, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys." Rev. Stat. c. 207.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 17 of this Act. Calls.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or contractors, or for the right of way, terminal lands, water privileges or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not: provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which Directors empowered to pay in stock.

no call is in default and unpaid, at a general meeting specially called for that purpose.

Head office,
annual
meetings.

17. The head office of the company shall be at the City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special
general
meetings.

18. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such a manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Voting by
proxy

19. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding
powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat.
c. 207.

Bonds and
their transfer.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable
instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100 and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it

be

be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

23. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Mortgaging
bonds.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements
for hiring
rolling stock
etc.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing.

Telegraph
and tele-
phone lines.

26. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal

Municipal
aid to com-
pany.

municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Submitting
bonus
by-laws.

27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following namely:—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat.
c. 223.

(2) In the case of a county municipality the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act*, and the amendments thereto.

Rev. Stat.
c. 223.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Terms of
municipal
bonus by-laws.

28. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Deposit for expenses of submitting by-law.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to pass by-law if asserted to.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Issue of municipal debentures.

32. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Rate in portion of municipality.

33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of Rev. Stat. c. 223, to bonus by-laws.

34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

By-laws extending time for commencement.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, any, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extending time for completion.

36. Any municipality or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual

Limit of rate in aid of company.

annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws exempting from municipal taxation.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land from municipalities.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipal debentures.

39. Whenever any municipality or portion of a township, municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

40. The said trustees shall receive the said debentures or bonds in trust : Firstly, under the directions of the company and subject to the conditions of the by-law in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them ; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Canada Central Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of
municipal
debentures.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees of
trustees.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to pur-
chase whole
lots.

Rev. Stat.
c. 207.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken

Taking lands
for gravel
pits, etc.

Rev. Stat.
c. 207.

or

or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

44.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

Snow fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

46. The company shall have power and authority—

Powers of
company.

Power houses,
docks, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Buildings,
stations, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time

to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

(3) To acquire water power from private owners or from the Crown and to construct, maintain and operate works for the production of electricity and the transmission of electrical currents for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company ; Acquiring water power.

(4) To sell or lease in the unorganized territory, and in any municipality where such sale or lease is authorized by by law of the council of the municipality and subject to the terms and conditions of such by-law any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section : Disposing of surplus electric power.
Rev. Stat. c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the council of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, but the company shall have the right by the erections and constructions usually employed for that purpose to convey electricity for the works of the railway and all other purposes referred to by this Act across or over any unoccupied lands of the Crown, subject to such regulations as may be imposed by the Lieutenant-Governor in Council. Acquiring right to transmit electricity.

47.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement Construction of road on highways.

agreement and of section 2 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat.
c. 223.

Acquiring
water lots
and privileges

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining or connecting with the same, to build and maintain booming areas for holding logs or timber and for such purpose the company shall have all the rights powers and privileges conferred by *The Timber Slide Companies Act* upon companies incorporated under the said Act and shall be subject to all the conditions and regulations imposed and prescribed by or under the said Act; and to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, booming areas, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any thereof or any portion thereof, in its discretion to sell, lease or convey.

Acquiring
land for build-
ings, etc., at
terminus.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the said

said railway for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same, or portions thereof in their discretion to sell and convey and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

50. The company is authorized and empowered to make necessary arrangements to contract and agree with The Canadian Pacific Railway Company, The Canadian Northern Railway Company, The Grand Trunk Railway Company, of Canada, The Canada Atlantic Railway Company, or The Algoma Central Railway Company, or any of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them as may be agreed on, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Agreements
with other
companies.

51. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company or other companies aforesaid if lawfully empowered to enter into such agreements upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company hereby incorporated to enter into an agreement with the said companies, or any or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Running
arrangements.

52. Shares in the capital stock of the company may be transferred

25 s.

Transfer of
shares.

transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Receiving
back charges
on goods.

53. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Rev. Stat.
c. 209 not to
apply to com-
pany.

54. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except, only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for com-
mencement
and comple-
tion.

55. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.

Power to
make connec-
tions to be
subject to
subsequent
legislation.

56. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway, or to sell, or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions, and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Limitation of
transmission
of electrical
energy.

57. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

SCHEDULE B.

(Section 40.)

The Canada Central Railway Company's Office.

No.

A.D. 19

Chief Engineer's Certificate,

Engineer's Department;

Certificates to be attached to cheques drawn on The Canada Central Railway Company Municipal Trust Account given under section chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, chief engineer of The Canada Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

[L.S.]

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ paid to me (or us) by the Canada Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Canada Central Railway Company, their successors and assigns forever, (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of 19 .

Signed, sealed and delivered
In the presence of

[L.S.]

CHAPTER 70.

An Act to incorporate The Canada Western Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS D. C. Cameron, of the Town of Rat Portage, in the District of Rainy River, lumberman; F. H. Sangster, of the Village of Wabigoon, in the District of Rainy River, solicitor; M. B. Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer; A. C. Paul of the said City of Minneapolis, in the State of Minnesota, attorney at law, Thomas R. Deacon, of the Town of Rat Portage, in the District of Rainy River, mining engineer, John M. Smith of the City of Toronto, Comptroller, Allan H. Royce, Barrister, and Francis C. Annesley, Gentleman, both of the said City of Toronto, have by their petition prayed for an Act of incorporation, under the name of "The Canada Western Railway Company," for the purpose of constructing, maintaining and operating a railway from a point at or near the Village of Fort Frances in the District of Rainy River northerly by the most feasible route, via Dryden or Rat Portage, to a point on the western boundary of the Province of Ontario, at or near the confluence of the waters of the Winnipeg and English Rivers; and it has been represented that the line of railway of the company so to be incorporated will, for the most part be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said D. C. Cameron, F. H. Sangster, M. B. Lloyd, A. C. Paul, Thomas R. Deacon, John M. Smith, Allan H. Royce and Francis C. Annesley and such other persons as shall become provisional directors, and such other persons and corporations

porations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Canada Western Railway Company" hereinafter called "the company."

2. The company is hereby authorized and empowered to survey, lay out, construct, build, equip and maintain a railway, to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near the Village of Fort Frances, in the District of Rainy River, northerly by the most feasible route, via Dryden or Rat Portage to a point on the Western boundary of the Province of Ontario at or near the confluence of the waters of the Winnipeg and English Rivers, and to construct branch lines, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the main line of the said railway. And the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreement with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway.

Location of line.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

3. The gauge of the said railway shall be four feet, eight and one-half inches. Gauge.

4.—(1) The said D. C. Cameron, F. H. Sangster, M. B. Lloyd, A. C. Paul, Thomas R. Deacon, John M. Smith, Allan H. Royce and Francis C. Annesley shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders.

Provisional directors.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional

provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may be called upon notice signed by or on behalf of three provisional directors; such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

Powers of
provisional
directors.

Rev., Stat.,
c. 207.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and shall have all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interests of the company.

Capital stock.

Rev. Stat.
c. 207.

6. The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 2,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized; and the remain-

der

der of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

7. When and so soon as shares to the amount of \$100,000 of the capital stock in the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the District of Rainy River, of the time, place and purpose of the said meeting.

First meeting for election of directors.

8. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director.

Directors—first election of.

Rev. Stat. c. 207.

9. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification.

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Rights of aliens:

11. The directors may, from time to time, make calls on the subscribed stock of the said company, as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of such call, as hereinafter provided in section 13 of this Act.

Calls.

12. The head office of the company shall be at the Village of Fort Frances in the District of Rainy River.

Head office.

General
annual
meetings.

13. The general annual meeting of the shareholders of the company shall be held in such place in the said Village of Fort Frances, or at such other place in the Province of Ontario, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously, by publishing the same in the *Ontario Gazette* and once a week in one newspaper published in the District of Rainy River during the four weeks immediately preceeding the week in which such meeting is to take place.

Special
general
meetings

14. Special general meetings of the shareholders of the said company may be held at such places, at such times, in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceeding section.

Voting by
proxy.

15. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Subscriptions
not binding
till approved.

16. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed shall be actually paid thereon within one month after subscription.

Shares,
transfer of.

17. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Bonds.

18. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonds, how
transferable.

19. All such bonds, debentures and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to said promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Negotiable
instruments.

21. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Pledging
bonds.

22. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Directors em-
powered to
pay in stock.

23. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands

Construction
of line in
section.

Rev. Stat.
c. 207.

lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of the said sections of said railway, or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof, with respect to plans and surveys.

Power to
purchase
whole lots.

24. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or at a greater advantage than by purchasing sufficient land for the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.
c. 207.

Taking land
for gravel
pits, etc.

25. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the tender of compensation and the award shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right

Rev. Stat.
c. 207.

to

to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

26.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

27. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

Telegraph and
telephone line.

28. The company shall have power and authority:—

General
powers.

(1) To purchase land for, and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries

Power houses,
docks, etc.

foundries and offices, and to sell and convey such land as may be found unnecessary for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Stations,
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

Production of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company ;

Disposing of
electric power

(4) To sell or lease in the unorganized territory, and in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions of such by-law, any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power,* and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev. Stat.
c. 207.

Bringing elec-
tricity through
other lands.

(5) To acquire, by purchase or lease, the right to convey electricity required for the working of the railway and lighting or heating the same, over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which said works, or any part thereof, or of the railway, may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied

unoccupied lands of the Crown for any or all the purposes aforesaid.

29. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyance to company.

30.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid, so far as possible, any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable river.

Construction line on highways.

(2) The by-laws mentioned in section 2, sub-section 5 of section 28, and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat., c. 223.

31. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fence.

Agreements
for leasing its
rolling stock.

32. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation or other wise, as may be agreed on.

Agreements
with other
companies.

33. The company is authorized to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting especially called for that purpose.

Running ar-
rangements
with other
companies.

34. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into such agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole, or any portion of the railway herein authorized, or the use thereof, or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock, or other property, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose; and such agreement shall be valid and binding, according to the terms and tenor thereof

thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this or in the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

35. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation, or hiring of the said railway or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power to make connections, to be subject to subsequent legislation.

36. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid for construction of.

37. Any municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass, or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonus to railways.

Municipal bonuses.

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Submitting bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2)

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions in
bonus
by-laws.

39. Such by-law shall, in each instance, provide:—

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality, or portion of the township municipality defined in such by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit of
expenses of
bonus by-law.

40. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to
pass by-law if
assented to.

41. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of
debentures.

42. Within one month after the passing of such by-law the said council, mayor, warden, reeve or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

43. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of said municipality.

Aid from
portion of
township.

44. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Application
of Rev. Stat.,
c. 223, to
bonus-by-laws.

45. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

By-law ex-
tending time
commence-
ment.

46. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to said bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

By-law ex-
tending time
for comple-
tion.

47. Any municipality, or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the rateable property therein.

Bonus may
increase rate
to three cents

48. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the railway and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws ex-
empting from
municipal
taxation.

Grant of land
from municipi-
palities.

49. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of
municipal
debentures

50. Whenever any municipality or portion of a township or municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
debentures.

51. The said trustee shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Canada Western Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in

in any court of competent jurisdiction by any person who may sue therefor.

52. The trustees shall be entitled to their reasonable fees Fees and charges from the said trust fund, and the act of any two trustees. of such trustees shall be as valid and binding as if the three had agreed.

53. The company shall have power to collect and receive Collecting all charges subject to which goods or commodities may come back charges- into their possession, and on payment of such back charges, on goods. and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges

54. Save as expressly provided by this Act the provisions Application o- of *The Electric Railway Act* shall not apply to the company Rev. Stat. hereby incorporated, but the several clauses of *The Railway* c. 207. *Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act", when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

55. The railway hereby authorized shall be commenced Time for within three years and finished and put in operation within commence- seven years after the passing of this Act, and in default there- ment and of the powers hereby conferred shall absolutely cease with completion. respect to so much of the railway as then remains incomplete.

56. Notwithstanding anything contained in this Act, or in Limitation of any statute of the Province, no municipality shall have the transmission power to grant to said railway any exclusive rights, privileges of electrical or franchise as to the transmission of electrical energy for energy. power, light and heat over or across any public highway or street in said municipality.

SCHEDULE A.

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of _____ dollar to me (or us) by The Canada Western Railway Company ; the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Canada Western Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (*or hands and seals*) this _____ day of _____ one thousand nine hundred and _____

Signed sealed and delivered, in the presence of,

[L.S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Canada Western Railway Company's Office.

No. _____

A.D. 190 _____

Engineer's Department.

Certificates to be attached to cheques drawn on The Canada Western Railway Company Municipal Trust Account given under section _____ chapter _____ of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, _____ chief engineer of The Canada Western Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. _____ of the township of _____ (*or under the agreement*) dated the _____ day of _____ 19 _____ between the corporation of _____ and the said company) to entitle the said company to receive from the said trust the sum of _____ (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER 71.

An Act to incorporate The Durham Switch Line Railway Company.

Assented to 17th March, 1902.

WHEREAS, The National Portland Cement Company, Limited, have by their petition prayed that William Foster Cowham, managing director of The Peninsular Portland Cement Company, Limited, of the City of Jackson, in the State of Michigan, one of the United States of America; Phillip W. Stanhope, manager of The National Portland Cement Company, Limited; Frederick Barlow Cumberland, vessel owner, and William Pinkerton, barrister-at-law, all of the City of Toronto, in the County of York; Alexander F. McLaren, M.P., manufacturer, of the City of Stratford, in the County of Perth, and William McKechnie, of the Town of Durham, in the County of Grey, be incorporated under the name of "The Durham Switch Line Railway Company" for the purpose of constructing, maintaining and operating a steam railway from the Grand Trunk Railway line at or near the Town of Durham, in the Township of Bentinck, to a point at or near Wilder's Lake, in the Township of Egremont, and the said company have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William Foster Cowham, Phillip W. Stanhope, Frederick Barlow Cumberland, William Pinkerton, Alexander F. McLaren and William McKechnie, together with such other persons as shall in pursuance of this Act, become shareholders in the company hereby incorporated are hereby constituted and declared to be a body corporate and politic by the name of "The Durham Switch Line Railway Company," hereinafter called "the Company". Incorporation.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete and operate a switch line steam railway from a point at or near the easterly limit of the right of way over the Grand Trunk Railway Company of Canada where the lands of the said National Portland Cement Company abut upon such right of way and thence northeasterly to a point at or near Wilder's Lake in the Township of Egremont. Location of line.

Guage.

3. The guage of the said switch line railway shall be four feet eight and one-half inches.

Provisional directors.

4. From and after the passing of this Act the said William Foster Cowham, Phillip W. Stanhope, Frederick Barlow Cumberland, Alexander F. McLaren, William Pinkerton and Gilbert McKechnie with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

Rev. Stat. c. 267.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payment on account of stock subscribed and to make calls upon subscribers in respect of their stock and to sue for and recover the same ; and to cause plans and surveys to be made and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors ; the said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock, who in their judgment would hinder, delay or prevent the company hereby incorporated from proceeding with and completing their undertaking under the provisions of this Act. If at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion, exclude anyone or more of the said subscribers, if in their judgment, such exclusion will best secure the building of the said switch line of railway ; and all meetings of the provisional board of directors shall be held at the City of Toronto or at such other place as may best suit the interests of the said company.

Subscriptions for stock not binding unless approved.

6. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Capital stock.

7. The capital stock of the company shall be \$50,000, with power to increase the same in manner provided by *The Railway Act of Ontario*, to be divided into 500 shares of \$100 each, and shall be raised by the persons who may become shareholders in such company ; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the obtaining of this Act and for making the surveys, plans and estimates connected with the works hereby authorized ; and the remainder

of such money shall be applied to the making, equipment, completion and maintaining of the said switch line of railway, and to the other purposes of this Act.

8. When and so soon as shares to the amount of \$5,000 of the capital stock of the company shall have been subscribed and ten per centum paid thereon into some chartered Bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them, present at a meeting duly convened for the purpose, shall call a general meeting of the shareholders who shall have so paid ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said company.

First meeting
for election of
directors.

9. In case the provisional directors neglect to call a meeting for the space of three months after \$5,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers collectively for not less than \$500 of the capital stock and who have paid up all calls thereon.

When
subscribers
may call first
meeting.

10. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by publication in at least one newspaper in the said City of Toronto once in each week for the space of at least one month and in *Ontario Gazette*; and such meeting shall be held in the said City of Toronto, at such place therein and on such day and at such hour as may be named and set forth in such notice.

Notice of
meeting.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall choose not less than three nor more than five persons to be directors of the company in manner and qualified as hereinafter mentioned who shall constitute a board of directors and shall hold office until the next annual general meeting; and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the *Railway Act of Ontario*.

Election of
directors.

Rev. Stat.,
c. 207.

12. No person shall be qualified to be a director unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification
of directors.

13. Aliens as well as British subjects, and whether resident within this Province or elsewhere, may be shareholders in the company; and all such shareholders shall be entitled to vote on their shares equally with British subjects and shall

Rights of
aliens.

shall also be eligible to hold office as directors in the said company.

Subsequent
annual meet-
ings.

14. The annual general meetings of the company shall be held at such place in the said City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in *The Ontario Gazette*, and once in each week during the four weeks preceding the week in which such meeting is to be held in at least one newspaper published in the said City of Toronto.

Special gen-
eral meetings.

15. Special general meetings of the shareholders of the company may be held at such places in the said City of Toronto and at such times and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Number of
votes.

16. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Representa-
tives of muni-
cipalities, etc.,
at meetings.

17. At all meetings of the shareholders of the company the stock held by such corporations as may be legally entitled to invest in the stock of the company may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Powers of
directors in
session.

18. Any meeting of the provisional or elected directors of the company regularly summoned at which at least a majority are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ and pay one of their number as managing director.

Calls.

19. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at no less intervals than one month, and notice of each call shall be given as provided in section 14 of this Act.

Transfer of
shares.

20. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are

are surrendered to the company, or the surrender thereof dispensed with by the company.

21. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of subsections 19, 20, 21, 22 and 23, of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said subsections.

Bonding
powers.

Rev. Stat.,
c. 207.

22. The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Mortgaging or
pledging
bonds.

23. The company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also that such telegraph and telephone lines be used exclusively for the purposes of the business of the company.

Telegraph and
telephone
lines.

24. Conveyances of land to the company for the purposes of and powers given by this Act made in the form set forth in Schedule A hereunder written, or to the like effect shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of
conveyance of
land to
company

25. It shall and may be lawful for any municipality through which the said switch line of railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality and whether or not the same be in the possession of or under the control

Constructing
line on
highways.

trol of any joint stock company and if such highways be in the possession of or under the control of any joint stock company, then also with the assent of such company and under and subject to any agreement or agreements hereafter to be made between any such municipality and the company; and it shall and may be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction and for the maintenance and repair of gravel and other public roads leading to the said switch line railway.

Contracts for
construction
or equipment.

26. It shall be lawful for the directors of the company to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the said switch line of railway, or any portion thereof, including or excluding the purchase of the right of way and to pay therefor either in the whole or in part either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity until approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Agreements
with other
companies.

27. It shall be lawful for the directors of the company to enter into an agreement with any company or companies (if lawfully authorized to enter into such agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock or any other moveable property from such companies and persons, for such time and times and on such terms as may be agreed on, and also to enter into an agreement with any railway company or companies (if so lawfully authorized) for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Payments in
bonds or paid-
up stock.

28. The said provisional directors, or the elected directors, may pay or agree to pay, in paid-up stock or in bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the majority of the shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any such agreement so made shall be binding on the company.

Agreement
with Grand
Trunk and

29. The company may enter into arrangements with the Grand Trunk Railway Company of Canada and the Canadian Pacific

Pacific Railway Company, if lawfully authorized to enter into such arrangements, for the leasing or working of the said switch line of railway, either wholly or partially or for running power over same on such terms and conditions as the directors of the several contracting companies may agree on, and generally may make any agreement or agreements with either or both of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway or the rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company or companies leasing or entering into such an agreement for using the said switch line of railway may, and are, hereby authorized to work the said switch line of railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Canadian
Pacific com-
panies.

30. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Application of
Rev. Stat.,
c. 207.

31. The railway shall be commenced within one year, and finally completed within two years after the passing of this Act.

Commence-
ment and
completion.

SCHEDULE A.

(Section 24).

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Durham Switch Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said Company for the purposes of their switch line of railway to hold with the appurtenances

ances

ances unto the said The Durham Switch Line Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (*or we*), the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hands and seal (*or hands and seals*) this day of A.D. 1902.

Signed, sealed and delivered
In the presence of

CHAPTER 72.

An Act respecting the Essex and Kent Radial Railway Company.

Assented to 17th March, 1902.

WHEREAS George Stephens and others were by an Act passed in the first year of His Majesty's reign, chaptered 78 incorporated as a company under the name of "The Essex and Kent Radial Railway Company" for the purpose of constructing, equipping, maintaining and operating by electricity a railway through certain portions of the Counties of Essex and Kent; and whereas by section 12 of the said Act it was provided that the said railway should be commenced and completed within the times therein set out; and whereas the said company has obtained certain franchises in connection with the said railway but have been unable to commence the same within the time mentioned in said section 12 and have by their petition prayed that the time for the commencement of said railway should be extended for a period of one year from the 1st day of May, 1902, and the time for the completion thereof to two years from the said date; and whereas by reason of the said railway crossing the tracks of The Lake Erie and Detroit River Railway Company, The Michigan Central Railway Company, The Canadian Pacific Railway Company and The Grand Trunk Railway Company of Canada, and the Cunard and Ruscombe Rivers, the Big Creek, Tremblay Creek, Jeannette Creek and other numerous watercourses and stretches of swampy land, the construction of the said railway is rendered difficult and expensive; and whereas the said company has prayed that the borrowing powers of the said company may be increased in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of chapter 78 of the Acts passed in the 1st year of His Majesty's reign, intituled *An Act to incorporate The Essex and Kent Radial Railway Company* is repealed.

1 Edw. VII.,
c. 78, s. 12,
repealed.

2. The railway shall be commenced within one year from the 1st day of May, 1902, and be completely built and in operation within two years from said date.

Time for commencement and completion

3.

Bonding
powers.

3. The directors of the said company are hereby authorized and empowered to issue bonds, debentures or other securities for the purpose of raising money for prosecuting their undertaking, but the whole amount of such bonds, debentures or other securities shall not exceed the sum of \$25,000 for each mile of the railway of the company, and except as herein provided, the borrowing powers of the company shall be governed by *The Electric Railway Act*.

Rev. Stat.
c. 209.

CHAPTER 73.

An Act respecting the Fort Erie Ferry Railway Company.

Assented to 17th March, 1902.

WHEREAS, the Fort Erie Ferry Railway Company, Preamble.
 incorporated under the Act passed in the 50th year of the reign of Her late Majesty Queen Victoria chaptered 76, as amended by the Act passed in the 54th year of said reign and chaptered 86, the Act passed in the 58th year of said reign and chaptered 96, the Act passed in the 60th year of the said reign and chaptered 85 and the Acts passed in the 63rd year of said reign and being respectively chaptered 15 and 111 has by its petition prayed that the time for the completion of its line of railway from its present westerly terminus in the Township of Bertie to the Village of Port Colborne and the branch line from Crystal Beach in a northerly direction to the Village of Ridgeway, be extended until the 13th day of April, 1905; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of chapter 85 of the Acts passed in the 60th ^{60th Vict.} year of the reign of Her late Majesty Queen Victoria intituled ^{c. 85, s. 4;} *An Act respecting The Fort Erie Ferry Railway Company*, ^{63 V., c. 111,} and section 1 of chapter 111 of the Acts passed in the 63rd ^{s. 1, repealed.} year of said reign intituled *An Act to amend an Act respecting the Fort Erie Ferry Railway Company* are repealed.

2. The said railway from the present terminus in the Township of Bertie to the Village of Port Colborne and the branch line from Crystal Beach to the Village of Ridgeway shall be completed on or before the 13th day of April, 1905. Time for completion of Port Colborne and Crystal Beach extensions.

CHAPTER 74.

An Act respecting the Great Lakes Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS, The Ontario Ship Railway Company was duly incorporated by the Act 55 Victoria, chaptered 97, and empowered to construct the works in the said Act mentioned within the time thereby limited ; and whereas, by the Act 60 Victoria, chaptered 94, the said Act was amended extending the time for commencing and completing the said works as therein set forth ; and whereas, notwithstanding that a large sum of money has been expended in the making of exploratory surveys and otherwise, yet, owing to the delay which has occurred in the deepening, enlarging and otherwise improving the St. Lawrence Canal System, upon which the success of the company's undertaking materially depends, the said company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the said works and the operation of the railway ; and whereas, some of the provisional directors named in the said Act are now dead and others have left Canada and the number of directors named in section 6 thereof is deemed too large for the economical and practical management of the company ; and whereas it has been made to appear that capital stock of the company to the amount of \$500,000 has been subscribed and \$50,000 paid thereon ; and it has by its petition prayed that the time for the commencement and completion of its undertaking may be extended, the names of new provisional directors inserted and the number of permanent directors reduced ; and whereas, it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

55 V. c. 97,
s 4, repealed.

1. Section 4 of the Act passed in the 55th year of the reign of Queen Victoria, chaptered 97, is hereby repealed and the following enacted in lieu thereof :—

Provisional
Directors.

"4. Hugh Blain, Kivas Tully, Hon. Samuel Casey Wood, John Flett and Joseph Blakeley shall be provisional directors of the said company."

2. Section 6 of the said Act is amended by inserting ^{55 V. c. 97, s. 6 amended.} the words "not less than five or more than" immediately after the word "elect", where the same occurs in the sixteenth line of said section and by inserting after the word "Directors" where the same first occurs in the eighteenth line thereof the words "the number of directors to be so elected shall from time to time be fixed and determined by by-law of the company," and by striking out the words "five of the directors" where the same occur in the twentieth line of said section and inserting in lieu thereof the words "such number of the said directors not less than three as may from time to time be fixed and determined by the by-laws of the company."

3. Section 2 of the Act passed in the 60th year of the reign ^{60 V. c. 91, s. 2 repealed.} of Her Majesty Queen Victoria, chaptered 94, is hereby repealed and the following enacted in lieu thereof:—

2. If the construction of the said railway and works ^{Time for commencement and completion.} authorized by the said Act of Incorporation is not commenced and ten per centum of the subscribed capital stock, being not less than \$50,000 expended therefor within one year from the 13th day of April, 1902, or if one single track of the railway is not finished and put in operation within three years from the said last mentioned date, then in either of such cases the corporate existence and the powers of the company shall cease—but nothing in this Act or in the said Act of Incorporation shall prevent the company from putting down additional tracks after the expiration of the said three years, and it is hereby authorized and empowered to put down such additional tracks when and as the same may be required for the purposes of the company.

4. The name of the company is hereby changed to and shall ^{Name of company changed.} hereafter be the "Great Lakes Railway Company."

CHAPTER 75.

An Act to amend the Act incorporating the Haliburton, Whitney and Mattawa Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Haliburton, Whitney and Mattawa Railway Company has petitioned for an Act to extend the times for the commencement and completion of its railway, and for altering the location of the said railroad between the Village of Whitney, in the Township of Airey, and the Town of Mattawa, on the Ottawa River, so as to assure a more direct route between these two points; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

62 Vict., c. 94,
s. 2, amended.

Location of
line.

1. Section 2 of chapter 94 of the Acts passed at the 2nd Session held in the 62nd year of the reign of Her late Majesty Queen Victoria, intituled *An Act to incorporate The Haliburton, Whitney and Mattawa Railway Company*, is amended by striking out all of the said section after the word “in” in the eleventh line thereof and by substituting therefor the following words, “a northerly direction in the most direct and feasible route to a point at or near the Town of Mattawa, on the Ottawa River.”

62 Vict., c. 94,
s. 52, repealed.

2. Section 52 of the said Act is repealed.

Time for com-
mencement
and com-
pletion.

3. The railway which the said company is authorized to construct by the said Act as amended by this Act shall be commenced within three years and completed within five years after the passing of this Act.

CHAPTER 76.

An Act respecting the Hamilton, Ancaster and Brantford Railway Company.

Assented to 17th March, 1902.

WHEREAS the Hamilton, Ancaster and Brantford Railway Company, hereinafter called "the company," has by petition set forth that the said company has been incorporated by Letters Patent under the Great Seal of the Province of Ontario, bearing date the 5th day of November, 1896, and that its capital has been increased and its rights extended by an Act respecting the same, being chapter 96 of 62 Victoria, and by such petition has prayed that an Act may be passed extending the time for the building of the company's line of railway and branch railway, the building of same in sections, and amending the provisions of the company's charter and amending Act, and for the other purposes hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, operate, alter and keep in repair iron or steel railways to be operated by electricity or compressed air or other motive power to be approved of by the Commissioner of Public Works, except steam, with double or single iron or steel tracks, within the limits of the City of Hamilton, and within the limits of the Townships of Barton and Ancaster, and within the limits of the Village of Ancaster, all in the County of Wentworth, and within the limits of the Township of Brantford, in the County of Brant, and subject to the terms hereinafter provided within the limits of the City of Brantford in said county, passing through or near the unincorporated Villages of Bamberger's Junction, Chedoke Park, Duff's Corners, Alberton, Langford, Echo Place and Cainsville, and through or near Mohawk Park, and its branch line of railway from some point on the main line of said railway at or near the Village of Ancaster to the locality known as Sulphur Springs, in the said Township of Ancaster, and the railway or any parts thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective

Location of line.

ive

ive corporations having jurisdiction over the same and subject to the restrictions and provisions therein, in this Act, and *The Municipal Act*, and any Act or Acts amending the same, contained and under and subject to any agreements between the company and the council of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same.

Election of
directors con-
firmed.

2. Jacob A. Shaver, Edward Henderson, Edward Kenrick E. A. Clifford and William R. Clark who were elected directors of the said Company at its last annual meeting of shareholders are declared to have been duly elected and to be the properly qualified directors of the said company and shall hold office until an election of directors shall take place as provided in section 4 of this Act.

Capital stock,
and application of.

3. The capital stock of the said company shall be applied and appropriated towards construction of the said railway in the following manner :—

(1) \$60,000 to the section or branch from Hamilton to Ancaster.

(2) \$24,000 to the branch line from a point on the main line at or near Ancaster to Sulphur Springs.

(3) \$60,000 to the section or branch from Ancaster to Alberton.

(4) \$100,000 to the section or branch from Alberton to Cainsville.

(5) \$56,000 to the section or branch from Cainsville to Brantford.

First general
meeting to
elect directors.

4. So soon as twenty-five per centum of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per centum of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario, "the directors shall call a meeting of the shareholders of the said company for the purpose of electing directors at which meeting the shareholders who have paid at least ten per centum of the amount subscribed for by them shall from the shareholders elect five persons to be directors of the said company.

Calls.

5. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall

be

be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

6. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per centum of the authorised capital appropriated to any one of the branches or sections has been actually expended on such branch or section. Bonding powers.

7. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

8. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway. Securing bonds by mortgage.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the

the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Issue of preferential stock.

9. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock and being section 22 of said Act and the amendments thereto are hereby incorporated in and made part of this Act.

Construction of line by sections.

Rev. Stat., c. 209.

10. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway and branch are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway and branch authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway and branch, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway and branch as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway and branch are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railway and branch had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom, so as to form at all times one continuous line of railway; provided, however, that

that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

11. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Directors empowered to pay in stock.

12. The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

Special rates for fruit, milk, etc.

13. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collecting back charges on goods.

14. The company shall have power to agree for connections and making running arrangements with The Hamilton and Dundas Electric Street Railway Company, The Hamilton Street Railway Company, The Hamilton Radial Electric Railway Company, The Hamilton, Grimsby and Beamsville Electric Railway Company, The Hamilton and Caledonia Railway Company, The Hamilton and Barton Incline Railway Company, The Niagara, St. Catharines and Toronto Railway Company, The Brantford Street Railway Company and The South Western Traction Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general

Agreements for connection, etc., with other companies.

general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect and affected thereby has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreements with other companies to be subject to regulation.

15. The authority and power conferred upon the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, or hiring the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions, and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power houses, warehouses, elevators, etc.

16. The company shall have full power and authority ;

(1) To purchase land for and erect power houses, warehouses, elevators, an incline railway, docks, stations, workshops and offices, and to sell and convey such land as may be found.

found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

(2) To erect and maintain all necessary and convenient buildings, an incline railway, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire engines, motors, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and incline railway and the accommodation and use of the passengers, freight and business of the company. Incline railway, buildings, depots, etc.

(3) To enter into arrangements with an incline railway company for the raising or lowering of the company's motors, cars, carriages, passengers and freight. Agreement with incline railway company.

(4) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating of the rolling stock and other property of the company. Production of electricity.

(5) To sell or lease any such electricity not required for the purposes as aforesaid in any municipality where such sale or lease may be authorized by by-law of the Council of the Municipality to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section. Disposing of surplus power.

17. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorised for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon. Agreement with other companies.

18. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the said company passes or in which it is situate by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from Exemptions from municipal assessment.

from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Laying rails
on highways.

19. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of, and, unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any road company, and if such highways be in the possession of or under the control of any road company then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Level
crossings.

20. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Forms of conveyance of
lands to company.

21. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyance shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

22. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Expenses of Act.

23. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Exclusive electrical franchises not to be granted

24. Subject to the provisions of this Act, the rights, powers, privileges and franchises heretofore conferred upon the company by its charter or special Act relating thereto shall continue to apply to the said company, but nothing in this Act contained shall affect any agreement heretofore entered into between the company and any municipal corporation, person or body politic.

Former powers continued.

25. The undertaking hereby authorized shall be commenced within three years and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for commencement and completion.

26. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Incorporation Rev. Stat. c. 209.

27. Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of the City of Brantford except upon and subject to such terms and conditions as may be mutually agreed upon between the company and the Brantford Street Railway Company, provided always that if the Council of the City of Brantford shall by by-law or resolution request the Brantford Street Railway Company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into the said City of Brantford the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the City Council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this

Terms of operation of line in City of Brantford.

this Act to construct a railway, the City Corporation and the Brantford Street Railway Company or as shall be settled and determined by the Lieutenant-Governor in Council in case the City Corporation and the said two companies are unable to agree upon the same.

SCHEDULE A.

(Section 21.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of _____ paid to me (or us) by the Hamilton, Ancaster and Brantford Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of _____ dollars paid to me (or us) by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway to hold with the appurtenances unto the said The Hamilton, Ancaster and Brantford Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of _____ one thousand nine hundred

Signed, sealed, and delivered in presence of

(L. S.)

CHAPTER 77

An Act to incorporate The Huron and Bruce Railway Company.

Assented to 17th March, 1902.

WHEREAS Gideon Kastner, of the Town of Wiarton, in the County of Bruce, lumberman; J. Ernest Campbell, of the Township of Amabel, in the County of Bruce, druggist; William McGregor, of the Village of Southampton, in the County of Bruce, merchant; David Geddes, of the Town of Port Elgin, in the County of Bruce, merchant; Neil D. McDougall, of the Township of Bruce, in the County of Bruce, farmer; Joseph Barker, of the Town of Kincardine, in the County of Bruce, gentleman; and James Wilson, of the Town of Goderich, in the County of Huron, druggist; have by their petition, prayed for an Act of incorporation under the name of "The Huron and Bruce Railway Company" for the purpose of constructing, equipping, maintaining and operating a railway between a point at or near the Town of Wiarton in the County of Bruce, and a point at or near the Town of Goderich in the County of Huron, and passing near or through the Town of Kincardine and the Village of Southampton, and through the Township of Amabel, the Indian Reserve or the Township of Arran, and the Townships of Saugeen, Bruce, Kincardine, Huron or Kinloss, Ashfield or West Wawanosh, Colborne and Goderich, and have further prayed that it be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Gideon Kastner, J. Ernest Campbell, William McGregor, David Geddes, Neil D. McDougall, Joseph Barker and James Wilson, and such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Huron and Bruce Railway Company" hereinafter called "the Company."

2. The Company is hereby authorized and empowered to survey, lay out, construct, equip, complete and operate and maintain, a railway of the gauge of four feet, eight and one-half inches, to be operated by steam with double or single iron or steel tracks, between a point at or near the Town of Wiarton

Preamble.

Location of line.

ton, in the County of Bruce, and a point at or near the Town of Goderich, in the County of Huron, and passing near or through the Town of Kincardine and the Village of Southampton and through the Township of Amabel, the Indian Reserve or the Township of Arran, and the Townships of Saugeen, Bruce, Kincardine, Huron or Kinloss, Ashfield or West Wawanosh, Colborne and Goderich.

Provisional
directors.

3. The said Gideon Kastner, J. Ernest Campbell, William McGregor, David Geddes, Neil D. McDougall, Joseph Barker, and James Wilson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

4. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to the stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Village of Southampton, in the County of Bruce or at such other place as may best suit the interest of the company.

Rev. Stat.
c. 207.

Form of
conveyance
of land to
company.

5. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and

and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

6. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription for stock not binding until confirmed.

7. The company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to company.

8. The capital stock of the company hereby incorporated shall be \$500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Capital stock.

Rev. Stat. c. 207.

9. When and as soon as shares to the amount of \$100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette* and in at least one newspaper published in the said Village of Southampton, of the time, place and purpose of the said meeting.

First meeting to elect directors.

10. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of di-

Directors election quorum.

rectors

rectors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

11. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Laying out
line in sec-
tions.

Rev. Stat.
c. 207.

12. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rights of
Aliens.

13 Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Calls.

14. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 16 of this Act.

15. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters.

Directors empowered to pay in stock.

16. The head office of the company shall be at the said Village of Southampton in the County of Bruce and the general annual meeting of the shareholders of the company shall be held in such place in the said Village of Southampton on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Village of Southampton during the four weeks immediately preceding the week in which such meeting is to take place.

17. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Special general meetings.

18. At all meetings of the company, the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Voting at meetings.

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the

Rev. Stat. c. 207.

issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Transfer of
bonds.

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable
instruments.

21. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging
bonds.

22. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and
telephone
lines.

24. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line
of

of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company, provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company ; provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

25. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained ; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Municipal aid to company.

26 Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

Submitting by-laws

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount ; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 223.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

Rev. Stat. c. 223.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that

that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Conditions of
bonus by-laws.

27. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit of
expenses
incurred in
submitting
by-law.

28. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to
pass by-law if
assented to.

29. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of
debentures.

30. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Rate on
portions of
municipalities.

31. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
Rev. Stat.
c. 223.

32. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

33. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

By-laws
extending
time for com-
mencement.

34. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the work (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

By-laws
extending
time for com-
pletion.

35. Any municipality or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Limit of rates

36. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty one years. and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws ex-
empting.

37. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Grants of land
from municipi-
pality.

Trustees of
municipal
debentures.

38. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of de-
bentures.

39. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Huron and Bruce Railway Company Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trus-
tees.

40. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to
purchase
whole lots.

41. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over
which

which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat. c. 207.

42. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Taking land for gravel pits, etc.
Rev. Stat. c. 207.

43.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway. Sidings to gravel pits.
Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 207.

44. The company shall have power and authority :

Powers of Company.
(1)

Ware houses,
etc.

(1) To purchase land for and erect warehouses, elevators docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Buildings,
stations, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves, and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire engines, carriages, waggons and other machinery and contrivances necessary and convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

Snow fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damage (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Agreements
with other
companies.

46. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, and the Manitoulin and North Shore Railway Company, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided; that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Running
arrangements
with other
companies.

47. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company lawfully empowered to enter into such arrangements upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said railway companies if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for

for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

48. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

49. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Receiving back charges on goods.

50. The provisions of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act

Rev. Stat. c. 209 not to apply to company.

51. The railway hereby authorized shall be commenced within two years and finished and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for commencement and completion.

52. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation

Powers as to arrangements with other companies subject to general regulations.

gamation or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council, or any Special Committee of the Executive Council of Ontario appointed for that purpose, may from time to time order.

SCHEDULE A.

(Section 5.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Huron and Bruce Railway Company, the receipt whereof is hereby acknowledged do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Huron and Bruce Railway Company their successors and assigns forever (*here insert any other clauses, covenants and conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand nine hundred and

Signed, sealed and delivered
in the presence of

[L.S.]

SCHEDULE B.

(Section 39.)

CHIEF ENGINEER'S CERTIFICATE.

The Huron and Bruce Railway Company's Office.

No.

A.D. 19

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Huron and Bruce Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the second year of His Majesty's reign.

I , Chief Engineer of The Huron and Bruce Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of 19 between the corporation of and the said company to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER

CHAPTER 78

An Act to incorporate The Huron, Bruce and Grey
Electric Railway Company.*Assented to 17th March, 1902.*

WHEREAS Joseph T. Goldthorpe of the Township of Colborne, in the County of Huron, merchant; Daniel McGillicuddy, publisher; James Wilson, druggist, and Malcolm Graeme Cameron, Esquire, all of the Town of Goderich in said county, have by their petition prayed for an Act of incorporation under the name of "The Huron, Bruce and Grey Electric Railway Company," for the purpose of constructing and operating an electric railway, railways or radial railway system from the Town of Goderich in the County of Huron in a southerly direction passing through the Townships of Goderich, Stanley, Hay and Stephen to the boundary line between the Counties of Huron and Middlesex; from the Town of Goderich in a northerly direction passing through the Townships of Colborne and Ashfield in the County of Huron and the Townships of Huron, Kincardine, Bruce, Saugeen, Arran and Amabel in the County of Bruce and through the Townships of Keppel and Derby in the County of Grey to the Town of Owen Sound in the said county, with a branch from the said line of railway running through the said Township of Amabel or the said Township of Keppel to the Town of Wiarton in the County of Bruce, with a branch from a point on the said line in an easterly direction passing through the Townships of Colborne, West Wawanosh, East Wawanosh, Morris, Hullett and McKillop, in the said County of Huron, to a point known as Walton in the said county, thence through the Township of McKillop to the Town of Seaforth, thence in a westerly direction through the Townships of Tucker-smith, Stanley and Hullett in the said County of Huron to the Town of Clinton in the said county, thence in a westerly direction through the said Township of Goderich to a point on the line of railway running from the said Town of Goderich southerly; and also a branch from the line of railway lastly authorized through the said Townships of Colborne and Ashfield to the Village of Dungannon in the said County of Huron; and also a branch from a point on said line of railway and at or near the Village of Blyth or Walton in a northerly direction through the Townships of Grey, Morris, Turnberry and Howick in the said County of Huron to the Village of Wroxeter in the said county; and whereas it is expedient to grant the prayer of the said petition;

Preamble,

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation. 1. The said Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Huron, Bruce and Grey Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side-tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, from the Town of Goderich, in the County of Huron, in a southerly direction, passing through the Townships of Goderich, Stanley, Hay and Stephen to the boundary line between the Counties of Huron and Middlesex; from the town of Goderich in a northerly direction, passing through the Townships of Colborne and Ashfield in the County of Huron, and the Townships of Huron, Kincardine, Bruce, Saugeen, Arran and Amabel in the County of Bruce, and through the Townships of Keppel and Derby, in the County of Grey, to the Town of Owen Sound, in the said county, with a branch from the said line of railway running through the said Township of Amabel or the said Township of Keppel to the Town of Wiarton in the County of Bruce; with a branch from a point on the said line in an easterly direction, passing through the Townships of Colborne, West Wawanosh, East Wawanosh, Morris, Hullett and McKillop in the said County of Huron, to a point known as Walton in the said county, thence through the Township of McKillop to the Town of Seaforth, thence in a westerly direction through the Townships of Tuckersmith, Stanley and Hullett, in the said County of Huron, to the Town of Clinton in the said County, thence in a westerly direction through the said Township of Goderich to a point on the line of railway running from the said Town of Goderich southerly; and also a branch from the line of railway lastly authorized through the said Townships of Colborne and Ashfield to the Village of Dungannon, in the said County of Huron; and also a branch from a point on said line of railway, and at or near the Village of Blyth or Walton, in a northerly direction through the Townships of Grey, Morris, Turnberry and Howick, in the said County of Huron, to the Village of Wroxeter, in the said county; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and

and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies, (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

Construction
of line by
sections.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof, with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; Provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Rev. Stat.
c. 209.

4. The said Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron (with power to add to their numbers), shall be and are hereby constituted a board of provisional directors of the said company, and shall hold

Provisional
directors.

Rev. Stat.
c. 209.

hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Head office.

5. The head office of the said company shall be at the Town of Goderich, in the County of Huron, and all meetings of the provisional board of directors of the company, shall be held at the said Town of Goderich, or at such other place as may best suit the interests of the company.

Capital stock.

6. The capital stock of the company shall be \$500,000, to be divided into 5,000 shares of \$100 each.

Subscription
for stock
where road
constructed in
sections.

7. Where the railway is constructed in sections it shall only be necessary that twenty-five per centum of the capital stock necessary for the construction of such section be subscribed, and ten per centum of the capital stock necessary for the construction of such section be paid in cash into some chartered bank in Canada to comply with section 52 of *The Electric Railway Act*.

Number of
directors.

8. The number of directors shall not be less than five nor more than nine.

Date of
annual general
meeting.

9. The date of the annual general meeting of the shareholders shall be fixed by the by-laws of the said company.

Directors em-
powered to
pay in stock.

10. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Special rates
for perishable
goods.

11. The company may make uniform special rates for the carriage of fruit, milk and other perishable goods.

Calls.

12. The directors of the company may from time to time make such calls of money upon the respective shareholders, in respect

respect of the amount of capital respectively subscribed or owing by them as they may deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

13. Any municipality through which the said railway passes and having jurisdiction in the premises may subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of and unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Laying rails
on highways.

Rev. Stat.
c. 223.

14. The directors of the company, under the authority of the shareholders, to them given at any special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$15,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per centum per annum as the directors may think proper.

Bonding
powers.

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b)

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 have been actually expended on the work.

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed.

Mortgage to
secure bonds.

15. The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place, whatsoever, except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act* or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth, as
if

if the provisions of the said *Bills of Sale and Chattel Mortgage Act* or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

16. The company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any electric motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

17. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force; and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor

Running
arrangements
with other
companies.

Agreements
with other
companies to
be subject to
regulations.

Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power houses,
warehouses,
docks etc.

18 (1) The company shall have full power and authority to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Stations
depots and
etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire engines, motors, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and the use of the passengers, freight and business of the company.

Production of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Disposing of
electric en-
ergy.

(4) To sell or lease in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions therein contained any such electricity not required for the purposes as aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev. Stat.
c. 200.

Conveying
power over
other lands.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands, other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between

tween the company and any municipality in which such works or any part thereof or of the railway may be situate and under and subject to any by law or by-laws of the council of such municipality passed in pursuance thereof.

(6) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act.

All other matters and things necessary for railway.

19.—(1) The railway of the company shall not be constructed or operated on, upon, or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of any such municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors and machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other buildings erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Agreements for operation on highway.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c. 223.

20. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Level crossings.

21. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Limitation of transmission powers as to electrical energy.

22. The undertaking hereby authorized shall be commenced within two years and put in operation within five years

Time for commencement and completion.

years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Incorporation
Rev. Stat.
c. 209.

23. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

CHAPTER 79

An Act to legalize certain By-laws in aid of The Lake Erie and Detroit River Railway Company.

Assented to 17th March, 1902.

WHEREAS the Municipal Corporations of the Township of Orford and the Village of Dutton have petitioned that an Act may be passed to validate and confirm certain by-laws of the said municipal corporations relating to bonuses to The Lake Erie and Detroit River Railway Company; and to authorize the issue of debentures for the payment of said bonuses; and further to ratify and confirm certain agreements entered into between the said railway company and the said municipal corporations respectively; and whereas the said railway company has joined the said municipal corporations in requesting that an Act be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petitions;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 253, as amended by By-law No. 284, of the Municipal Corporation of the Township of Orford, set forth in Schedule A to this Act, is confirmed, and declared legal, valid and binding upon the said Municipal Corporation of the Township of Orford and the ratepayers thereof; and the said Municipal Corporation of the Township of Orford is authorized and empowered to issue a debenture or debentures thereunder for the amount mentioned in said By-law No. 253, and to do all acts necessary for the full and proper carrying out of said By-law No. 253 as amended as aforesaid, the said debenture or debentures to bear interest from the 1st day of January, 1902.

By-law No. 253 of Township of Orford confirmed.

2. The agreements between the Municipal Corporation of the Township of Orford and the said railway company, set forth in Schedule B to this Act, are ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto.

Agreements between the Township of Orford and the company confirmed.

3. By-law No. 93 of the Municipal Corporation of the Village of Dutton, set forth as Schedule C to this Act, is confirmed, and declared legal, valid and binding upon the said

By-law of the Village of Dutton confirmed.

Municipal

Municipal Corporation of the Village of Dutton and the rate-payers thereof; and the said municipal corporation of the Village of Dutton is authorized and empowered to issue a debenture or debentures thereunder for the amount mentioned in said By-law No. 93, and to provide for the payment thereof in the manner provided by said last mentioned by-law, and to do all acts necessary for the full and proper carrying out of said last mentioned by-law, the said debenture or debentures to bear interest from the 1st day of January, 1902.

Agreement between Village of Dutton and railway company confirmed.

4. The agreement between the Municipal Corporation of the Village of Dutton and the said railway company, set forth in Schedule D to this Act, is ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto.

Rates levied by municipalities legalized and confirmed.

5. All rates heretofore levied or hereafter to be levied by the said municipal corporations respectively under said by-law respectively, are declared legal, and are hereby ratified and confirmed, and the said municipal corporations respectively are authorized to levy such further rates as may be necessary in pursuance of said by-laws respectively.

SCHEDULE A.

LAKE ERIE AND DETROIT RIVER RAILWAY.

By-Law No. 253.

A By-law to provide for aiding and assisting the Lake Erie and Detroit River Railway Company, and for issuing a debenture therefor in the sum of two thousand dollars, to be given by way of bonus to the said railway company by the municipal corporation of the Township of Orford, in the County of Kent.

1. Whereas resident freeholders of the Township of Orford have petitioned the council of the said township to pass a by-law to be submitted to the duly qualified electors of the said township granting a bonus to the said railway company of two thousand dollars upon the terms and conditions in said petition more particularly set forth.

2. And whereas it is necessary for the municipal corporation of the said township, in order to provide the said sum of two thousand dollars, to issue a debenture of the corporation of the said township for the said amount, and to provide for the payment of the same, and of the interest thereon, in the manner hereinafter mentioned.

3. And whereas the amount of the whole rateable property of the said municipal corporation of the said township, irrespective of any future increase in the same, according to the last revised assessment roll of the said corporation, being for the year 1898, is one million four hundred and forty thousand and seven hundred dollars ;

4. And whereas the amount of the existing debenture debt of the said corporation is six thousand six hundred and twelve dollars and eighty-nine cents, and there is no part of the principal or interest thereon due or in arrears.

5. And whereas it will require the sum of two hundred and forty-seven dollars and eighty cents to be raised annually for a period of ten years, the currency of the debenture to be issued under and by virtue of this by-law, to pay the principal and interest on the said debenture (to be raised annually during the said period for the forming of a sinking-fund for payment of the debenture) so to be issued under this By-law.

6. And whereas it is necessary that said annual sum of two hundred and forty seven dollars and eighty cents shall be raised and levied in each year during the period of ten years by a special rate sufficient therefor on all the rateable property in the said municipal corporation.

Be it therefore enacted by the municipal corporation of the township of Orford

1. That it shall and may be lawful for the said corporation of the said township to assist the said railway company by giving thereto by way of free grant or bonus, a debenture of the said corporation for the sum of two thousand dollars (or its equivalent thereof) upon the terms and conditions hereinafter mentioned.

2. It shall be lawful for the said municipal corporation, for the purpose aforesaid, to borrow the sum of two thousand dollars, and to issue a debenture of the said municipality to the amount of two thousand dollars, bearing interest at the rate of four per cent per annum, payable in the manner, for the amounts, and at the times hereinafter set forth.

3. The said debenture shall be payable within ten years from the day on which this by-law shall take effect, and shall bear interest at the rate of four per cent per annum from the date thereof, which said interest shall be paid yearly on the first day of January, after 1899, in each and every year as the same comes due, and said debenture shall have coupons attached thereto for the payment of interest; said debenture to be sealed with the seal of the said municipality and signed by the reeve and the treasurer.

4. Said debenture (or the said sum of two thousand dollars) shall within six months after the final passing of this by-law be delivered by the reeve of the said Township of Orford to three trustees; one to be appointed by the said municipal corporation, one by the said railway company, and one by the Lieutenant-Governor of the Province of Ontario, and such debenture shall be held by the said trustees in trust and shall be deposited by them at the agency of the Molsons Bank in the (Town of Ridgeway, Ontario).

5. The said debenture (or the said sum of two thousand dollars) shall be delivered up by the said trustees to the said railway company as soon as the railway is completed according to the terms and conditions of this by law.

6. There shall be raised and levied in each year for ten years the currency of the debenture to be issued under the authority of this by-law by a special rate sufficient therefor on all rateable property of the said township, over and above and in addition to all other rates and taxes, the sum of two hundred and forty-seven dollars and eighty cents for the payment of principal and interest on said debenture (to be raised annually as aforesaid)

7. The railway shall be constructed through the said Township of Orford, and not less than two trains affording accommodation to passengers shall be run each way daily, Sundays excepted, through the said township (and shall build two respectable stations therein and said trains stopping at same) and so long as excursion tickets are issued on Saturdays to St. Thomas and London, the same shall be issued to and from the said company's stations at Highgate and Duart in the said township. And the railway company shall after the completion of the extension of their said railway from the Town of Ridgeway in the County of Kent, to a point on the London and Port Stanley Railway, in or near the City of St. Thomas, in the County of Elgin, and during the currency of the debenture above mentioned, supply to the corporation of the said township gravel from their

their (gravel) pits when the same may be required, at the rate of ten dollars per car of fifteen yards

8. The said railway shall be completed and in running order on or before the first day of July, 1900, or within such further period as may hereafter be agreed upon in writing between the said railway company and the council of the said township.

9. This by-law shall take effect on the day of the final passing thereof.

10. The votes of the duly qualified electors of the said township (above described) shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the 10th day of November, A.D. 1898, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day at the undermentioned places.

No. 1, Town Hall, Clearville ; Walter S. Backus, D.R.O.

No. 2, McArthur Hall, Duart ; Robert Currie, D.R.O.

No. 3 Nornal School House, Sec. 9 ; Robert A. Spence, D.R.O.

No. 4, Henderson's School House, No. 10 ; R. F. Dickson, D.R.O.

No. 5, Town Hall, Highgate ; Geo. E. Lee, D.R.O.

No. 6, Temperance Hall, Palmyra ; Daniel Cameron, D.R.O.

11. That on Saturday, the 12th day of November, A.D. 1898, at the hour of ten o'clock in the forenoon, at the township hall in the said township, the reeve shall appoint by writing by him two persons to attend at the final summing up of the votes by the Township clerk, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing this by-law.

12. The clerk of the said township shall on Saturday, the 12th day of November, A.D., 1898, at the hour of twelve o'clock noon, at his office at Highgate, in the said township, sum up the number of votes given for and against this by-law and declare the same.

[L. S.] (Sgd.)

HENRY WATSON,
Clerk.

JOS. HORNAL,
Reeve.

By-law No. 284.

By-law to amend By-law No. 253, regarding a bonus granted to The Lake Erie and Detroit River Railway Co. for the sum of \$2,000.

Whereas, By-law No. 253 was passed by the council of the Township of Orford and duly voted upon by the ratepayers on the tenth day of November, A.D. 1898, and duly carried, to give certain aid to The Lake Erie and Detroit River Railway Company ;

And whereas the said by-law was duly and finally passed by the council of the Township of Orford on the fifteenth day of December, A.D. 1898 ; but in finally passing the said by-law certain clerical errors occurred which is desirable to be rectified ;

Be it therefore enacted by the said council that the said By-law No 253 be and the same is hereby amended as follows :—

1. In preamble of said by-law as published in the Highgate Monitor under date of November 3rd, 1898, clause 5 is amended by striking out the words " eighty cents " and inserting therein the words " eight cents." In the same clause, by striking out after the word " debenture " " to be raised annually during the said period for the forming of a sinking fund for payment of the debenture "

2. In clause 6 the sum of " eight cents " should be inserted instead of " eighty cents."

3. In the body of the by-law sec. 1, by striking out " or its equivalent thereof."

4. In the third clause insert after the word " payment " the words " of principal and."

5. After "debenture" in sec. 4 by striking out the words "or the said sum of two thousand dollars." In the same clause insert the words "City of St. Thomas" instead of "Ridgetown."

6. In sec. 5 by striking out the words "or the said sum of two thousand dollars."

7. In sec. 6 by striking out the words "eighty cents" and insert therein "eight cents" instead.

8. In clause 7 by striking out the words after "and" "shall build two respectable stations therein and said trains stopping at same"; also strike out the word "gravel" before pits; also strike out the word "ten" and and insert "four" before dollars.

9. In sec. 10 by striking out the words "above described."

10. In sec. 11, by striking out "twelfth day" and insert therein "fifth day."

Passed this 11th day of Sept. by the said council of Orford in council council assembled at Highgate, Ont.

(Sgd.) HENRY WATSON,

(Sgd.) ANGUS GILLANDERS,

[Seal]

Clerk.

Reeve.

SCHEDULE B.

This agreement made this _____ day of May, A.D. 1900. Between :
The Corporation of the Township of Orford, hereinafter called "The Corporation," of the one part, and The Lake Erie and Detroit River Railway Company, hereinafter called "The Company," of the other part.

Whereas by a By-law of the corporation, No. 253, passed on the 15th day of December. 1898, the corporation agreed in consideration for certain benefits to be derived by them from the building of an extension of the company's railway from Ridgetown to St. Thomas to grant the company a bonus of two thousand dollars.

And whereas for good and sufficient reasons the work of the said extension has been so delayed that it will be impossible for the same to be completed within the time limited by the said by-law.

Now this agreement witnesseth that in pursuance of a resolution of the municipal council of the corporation, duly passed on the 18th day of May, 1900 by virtue of the power given them by the said by-law, the corporation have agreed to and do hereby extend the time for the completion of the said railway extension as aforesaid to the first day of July, 1901, and the corporation and the company mutually agree that the said by-law shall in all other respects remain in full force and be binding upon each of them.

In witness whereof the parties hereto have caused their corporate seals to be affixed hereto.

(Sgd.) GEO. GOSNELL,

Reeve.

(Seal.)

Witness,

S. H. FOSTER.

HENRY WATSON,

Clerk.

ARTICLES OF AGREEMENT.

Between : The Corporation of the Township of Orford, hereinafter called "The Corporation," of the one part ; and The Lake Erie and Detroit River Railway Company, hereinafter called "The Company," of the other part.

Whereas pursuant to the provisions of the Municipal Act in that behalf, the council of the said corporation submitted to the ratepayers of the said corporation a by-law for aiding and assisting the company, and for issuing a debenture in the sum of two thousand dollars to be given by way of bonus to the company, to assist in extending the company's railway from the Town of Ridgetown to the City of St. Thomas, through the said corporation.

And whereas the said by-law was duly carried by the votes of the said ratepayers, and was afterwards, namely, on the 15th day of December, 1898, duly passed by the council of the said corporation, but in the copying of the said by-law for such final passing, certain clerical errors occurred which the council of the said corporation assumed to correct by By-law Number 284, passed on the 11th day of September, 1901.

And whereas subsequently, and pursuant to the power in that behalf contained in the said by-law, the said corporation, by agreement dated the 18th day of May, 1900, extended the time for the completion of the said railway to the first day of July, 1901.

And whereas the said railway was duly completed and in running order before the first day of July, 1901, and the company are entitled to the said bonus.

And whereas in and by said by-law it was provided that the said debenture, within six months after the final passing thereof, should be delivered to certain trustees to be held by them, in trust, until the completion of the said railway, and to be then delivered to the said company.

And whereas through inadvertence the corporation omitted to deliver the said debenture within the time aforesaid, and now wish to deliver the same to the company, but are in doubt as to their power to do so.

And whereas lest any question should arise hereafter it is considered desirable that the said by-law shall be validated and confirmed, and that the corporation be authorized and required to deliver the said debenture to the company and to provide for the payment thereof, by the Legislature of the Province of Ontario ;

Now this agreement witnesseth that in consideration of the premises it is agreed by and between the parties hereto, as follows :

1. The corporation agree to join with the company in an application to the said Legislature for such legislation as may be deemed necessary in the premises to authorize and empower the corporation to issue the said debenture, and to pay the company the said sum of two thousand dollars, and interest, and to provide that the payments of the instalments shall commence on the first day of January, 1902, and be made annually thereafter until fully paid.

2. The company agree to pay, or cause to be paid, the costs of and incidental to the procuring of such legislation.

3. The making of this agreement, or any application as aforesaid, by the company, shall not be deemed to be an admission by the company of any defect in the said by-law.

In witness whereof the said parties have caused their corporate seals to be affixed hereto, and to be set the hands of their proper officers in that behalf. the 28th day of September, 1901.

(Sgd.) ANGUS GILLANDERS,
Reeve.

(Seal.)

" HENRY WATSON,
Clerk.

SCHEDULE

SCHEDULE C.

BY-LAW No. 93.

Provisionally adopted October 3, 1898.

A by-law to provide for aiding and assisting The Lake Erie and Detroit River Railway Company, and for issuing a debenture therefor in the sum of two thousand five hundred dollars, to be given by way of bonus to the said railway company by the municipal corporation of the Village of Dutton, in the County of Elgin.

Whereas a majority of the municipal council of the Village of Dutton have petitioned the council of the said village to pass a by-law to be submitted to the duly qualified electors of said village, granting a bonus to the said railway company of two thousand five hundred dollars, upon the terms and conditions in said petition more particularly set forth ;

And whereas it is necessary for the municipal corporation of the said village, in order to provide the said sum of two thousand five hundred dollars to issue a debenture of the said corporation of the said village for the said amount, and to provide for the payment of the same and of the interest thereon in the manner hereinafter mentioned ;

And whereas the amount of the whole rateable property of the said municipal corporation of the said village, irrespective of any future increase in the same, according to the last revised assessment roll of the said corporation, being for the year 1898, is \$184,830 ;

And whereas the amount of the existing debenture debt of the said corporation is \$9,574.09, and there is no part of the principal or interest thereon due or in arrears ;

And whereas the municipal council of the said village have resolved that such debenture shall be payable in twenty annual instalments, with interest at the rate of four per cent. per annum, so that the said instalment shall be such that the aggregate amount payable for principal and interest during any year shall be equal, as nearly as may be, to what is payable in each of the other years of such period of twenty years ;

And whereas it is necessary to raise annually by a special rate sufficient therefor on all the rateable property in the said municipal corporation, during the said term of twenty years, the currency of the debenture to be issued under this by-law, the sum of \$184.62 for the payment of the said debt and interest ;

Be it therefore enacted by the municipal corporation of the Village of Dutton :—

1. That it shall and may be lawful for the said corporation of the said village to assist the said railway company by giving thereto by way of free grant or bonus a debenture of the said corporation for the sum of two thousand five hundred dollars upon the terms and conditions hereinafter mentioned.

2. It shall be lawful for the said municipal corporation, for the purpose aforesaid, to borrow the sum of two thousand five hundred dollars, and to issue a debenture of the said municipality to the amount of two thousand five hundred dollars, bearing interest at the rate of four per cent. per annum, payable in the manner, for the amounts and at the times hereinafter set forth.

3. The said debenture shall be payable at the Molson's Bank in the City of St. Thomas, within twenty years from the day on which this by-law shall take effect, and shall bear interest at the rate of four per cent. per annum from the date thereof, which said interest with said instalments of principal shall be paid yearly on the 31st day of December in each and every year as the same comes due, and said debenture shall have coupons attached thereto for the payment of principal and interest, said debenture to be sealed with the seal of the said municipality, and signed by the reeve and treasurer thereof, and the said coupons shall also be signed or initialled by the said reeve and treasurer.

4. Said debenture shall, within six months after the final passing of his by-law, be delivered by the reeve of the said Village of Dutton to three trustees, one to be appointed by the said municipal corporation, one by the said railway company, and one by the Lieutenant-Governor of the Province of Ontario, and such debenture shall be held by the said trustees in trust, and shall be deposited by them at the agency of the Molson's Bank in the City of St. Thomas.

5 The said debenture shall be delivered up by the said trustees to the said railway company as soon as the railway is completed according to the terms and conditions of this by-law.

6. There shall be raised and levied in each year for twenty years, currency of the debenture to be issued under the authority of this by-law, by a special rate sufficient therefor, on all the rateable property in the said village, over and above and in addition to all other rates and taxes, the sum of \$184 62 for the payment of the several instalments of principal and interest accruing on said debt.

7. The railway shall be constructed through the said Village of Dutton, and the station and other buildings shall be within the limits of the said village, and not less than two trains affording accommodation to passengers shall be run each way daily, Sundays excepted, through the said village, and so long as excursion tickets are issued on Saturdays to St. Thomas and London the same shall be issued to and from the said company's station at the said village; and the railway company shall, after the completion of the extension of their said railway from the Town of Ridgeway, in the County of Kent, to a point on the London and Port Stanley Railway, in or near the City of St. Thomas, in the County of Elgin, and during the currency of the debenture above mentioned, supply to the corporation of said village gravel from their gravel pits, when the same may be required, at the rate of four dollars per car of fifteen yards.

8. The said railway shall be completed and in running order on or before the first day of July, 1900, or within such further period as may hereafter be agreed upon in writing between the said railway company and the council of the said village.

9. This by-law shall take effect on the day of the final passing thereof.

10. The votes of the duly qualified electors of the said village shall be taken on this by-law on Thursday, the 10th day of November, 1898, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon of the same day, at the town hall in the said village.

11 That J. D. Blue shall be returning officer to take the votes at the said town hall.

12 That on Monday, the 7th day of November, A. D. 1898, at the hour of 10 o'clock in the forenoon, at the town hall, at Dutton aforesaid, the reeve shall appoint by writing by him two persons to attend at the final summing up of the votes by the village clerk, and one person to attend at the polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing this by-law.

13. The clerk of the said village shall on Friday the 11th day of November, A. D. 1898, at the hour of 12 o'clock noon, at his office in the said village, sum up the number of votes given for and against this by-law.

(Sgd.) JOHN DOWSWELL,
Reeve.

[Seal.] (Sgd.) JOHN D. BLUE,
Clerk.

SCHEDULE D.

This agreement made this 31st day of January, A. D. 1900. Between:—

The Corporation of the Village of Dutton, hereinafter called “the corporation” and of the one part, The Lake Erie and Detroit River Railway Company, hereinafter called “the Company” of the other part;

Whereas by a by-law of the corporation, Number 93, passed on the 15th day of December, 1898, the corporation agreed, in consideration of certain benefits to be derived by them from the building of an extension of the company's railway from Ridgeway to St. Thomas, to grant the company a bonus of two thousand five hundred dollars.

And whereas for good and sufficient reasons the work of the said extension has been so delayed that it will be impossible for the same to be completed within the time limited by the said by-law.

Now this agreement witnesseth that in pursuance of a resolution of the municipal council of the corporation duly passed on the 2nd day of April, 1900, by virtue of the power given them by the said by-law, the corporation have agreed to and do hereby extend the time for the completion of the railway extension as aforesaid to the first day of July, 1901, and the said corporation and the company mutually agree that the said by-law shall in all other respects remain in full force and be binding on each of them.

In witness whereof the parties hereto have caused their corporate seal to be affixed hereto.

[Seal]

(Sgd). JOHN DOWSWELL,
Reeve

(Sgd). J. D. BLUE,
Clerk.

CHAPTER 80.

An Act to incorporate The Lake Superior, Long Lake and Albany River Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS Samuel T. Clarke of the City of Chicago, in the State of Illinois, Henry S. Cane of the Town of Newmarket in the County of York, manufacturer; John W. Cheeseworth of the City of Toronto in the County of York, gentleman; F. J. Andrews of the said City of Toronto, broker; Andrew Yule of the Town of Aurora in the said county, gentleman; and Mark J. Paterson, the elder, of the said City of Toronto, explorer, have by their petition prayed for an Act of incorporation under the name of The Lake Superior, Long Lake and Albany River Railway Company for the purpose of constructing and operating a railway from some point at or near Peninsular Harbour in the Township of Pic in the District of Thunder Bay in a northerly direction to Long Lake, and from thence to Martin's Falls on the Albany River, with power to construct a branch line from the said line of railway commencing at the head of Long Lake; thence northeasterly on the Kenogami River to, at or near Pembina Island, and from thence to the forks of the said Kenogami and Albany Rivers, and from thence to the Hudson's Bay at or near the mouth of the Albany River, and for other purposes as hereinafter in this Act authorized; and whereas it has been represented that the line of the railway of the Company so to be incorporated will for the most part be constructed in the unorganized part of the Province; and whereas it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas, for the reasons aforesaid, the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Samuel T. Clarke, Henry S. Cane, John W. Cheeseworth, Incorporation.
F. J. Andrews, Andrew Yule and Mark J. Paterson, together
with such other persons and corporations as shall hereinafter
become shareholders of the company hereby incorporated, are
hereby constituted a body, corporate and politic under the
name of "The Lake Superior, Long Lake and Albany River
Railway Company," hereinafter called "The Company."

2. The said company shall have full power and authority Location
of line.
to survey and lay out, construct, complete, equip and maintain
a railway to be operated by steam or electricity, with double
or single iron or steel tracks from some point at or near Pen-
insular Harbour in the Township of Pic in the District of
Thunder Bay in a northerly direction to Long Lake, and from
thence to Martin's Falls on the Albany River, with power to
construct a branch line from the said line of railway commenc-
ing at the head of Long Lake; thence northeasterly on the Ken-
ogami River to a point at or near Pembina Island and from thence
to the forks of the said Kenogami and Albany Rivers, and
from thence to the Hudson's Bay at or near the mouth of the
Albany River; and the said railway, or any part thereof,
so far as the same may be operated by electricity, may be car-
ried along and upon such public highways as may be author-
ized by the by-laws of the respective corporations having
jurisdiction over the same, and subject to the restrictions and
provisions therein and in this Act contained, and under and
subject to any agreements between the company and the
councils of the said corporations, and between the company
and the road companies (if any) interested in such highways,
and the company may make and enter into any agreement
with any municipal corporation or road company as to the
terms of occupancy of any street or highway, subject to the
provisions and conditions contained in this Act, *The Electric* Rev. Stat., c.
209.
Railway Act, and in *The Municipal Act*, and any Act or Acts
amending the same; provided that *The Electric Railway Act* Rev. Stat., c.
223.
shall not apply to the company except in so far as the railway
is constructed along or upon a public highway.

3. The gauge of the said railway shall be four feet eight Gauge.
and one-half inches.

4. The said Samuel T. Clarke, Henry S. Cane, John W. Provisional
directors.
Cheeseworth, F. J. Andrews, Andrew Yule and Mark J.
Paterson, with power to add to their number, shall be and
are hereby constituted a board of provisional directors of the
said company, of whom a majority shall be a quorum, and
shall hold office as such until other directors shall be appointed
under the provisions of this Act by the shareholders.

5. The said board of provisional directors shall have power Powers of
provisional
directors.
forthwith to open stock books and procure subscriptions of
stock for the undertaking, and to allot the stock and receive
payments

payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the City of Toronto in the County of York, or at such other place as may best suit the interest of the said company

Conveyance of
land to
company.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscription
for stock when
binding.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to rail-
way.

8 The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised, shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized. and the remainder of said money shall be applied to the making, equipping completing, and maintaining of the said railway, and to the other purposes of this Act.

Capital stock

Rev. Stat.
c. 207.

10. When, and as soon as shares to the amount of \$100,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company the said provisional directors, or a majority of them, shall call a general meeting of the shareholders, for the purpose of electing directors of the company, giving at least four weeks notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the said City of Toronto, of the time, place and purpose of said meeting.

First election
of directors.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Number of
directors and
quorum.Rev. Stat.
c. 207.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification
of directors.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto, with

Power to con-
struct line in
sections.Rev. Stat.
c. 207.

respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof, with respect to "plans and surveys."

Rights of
aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Calls on stock.

15. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Directors empowered to
pay in stock.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting specially called for that purpose.

17. The head office of the company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Head office,
general
annual
meeting.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Special gen-
eral meetings.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Proxies.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Issue of
bonds.

Rev. Stat.
c. 207.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Bonds, etc.,
how payable.

Transfer of
bonds.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president or treasurer of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed, to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless

Negotiable
instruments.

unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging
or pledging
bonds.

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

24. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on.

Telegraph and
telephone
lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Power to
purchase
whole lots.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time

time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat.
c. 207.

27. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring
material for
construction

Rev. Stat.
c. 207.

28.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed for the purpose of repairing and maintaining the said railway. Sidings to
gravel pits.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat.
c. 207.

29. The company shall have power and authority:—

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work shops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall General
powers of
Company.
Warehouses,
docks, etc.

shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary buildings wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to production and use of electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and for the lighting and heating the rolling stock and other property of the company;

Lease or sell electricity not required for railway.

(4) To sell or lease in the unorganized territory and in any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms and conditions of such by-law, any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Rev. Stat. c. 200.

Acquiring rights for conveying electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction of railway on streets.

30.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement

agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway, or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, subsection 5, of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat.
c. 223, s. 632.

31. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Power to
erect snow
fences.

32. It shall be lawful for the company to enter into any agreement with the Canadian Pacific Railway Company, the Canada Northern Railway Company, and any other railway company the lines of which are approached or crossed by, or which approach or cross the line of railway of the company, if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements

Authority to
enter into
agreements
with other
companies.

with

with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company, and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

33. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease amalgamation or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario to be appointed for that purpose may from time to time order.

Amalgama-
tion.

34. The company is also authorized and empowered to make necessary arrangements and to contract and agree with the Canadian Pacific Railway Company and the Canada Northern Railway Company and any other railway company the lines of which are approached or crossed by, or which approach or cross the line of railway of the company, if lawfully empowered to enter into such arrangement, for amalgamation with the said company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company; provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose; but nothing in this section or in section 32 of this Act shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Transfer of
shares.

35. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer

transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

36. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges of goods.

37. Notwithstanding anything contained in this Act, or in any statute of the Province of Ontario, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality. Limitation of transmission of electrical energy.

38. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Riv. Stat. c. 267.

39. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act. Commencement and completion of line.

SCHEDULE A.

(Section 6.)

Know all men by these present that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$ _____ paid to me (or us) by the Lake Superior, Long Lake and Albany River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$ _____, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (*describe the land*), the same having been selected

selected and laid out by the said company for the purposes of its railway to hold, with the appurtenances unto the said the Lake Superior, Long Lake and Albany River Railway Company, their successors and assigns forever, (*here insert any other clauses, conditions and covenants required*) and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of _____, one thousand nine hundred
Signed, sealed and delivered
the presence of

[L.S.]

CHAPTER 81.

An Act to incorporate The Lambton Central Electric Railway Company.

Assented to 17th March, 1902.

WHEREAS David Milne of the Town of Sarnia, in the County of Lambton, merchant, William B. Collins of the same place, gentleman, Frederick J. Winlow of the same place, banker, and Thomas H. Smallman of the City of London, Ontario, gentleman, have by their petition prayed for an Act of incorporation under the name of The Lambton Central Electric Railway Company, for the purpose of constructing, equipping and operating an electric railway, beginning at some point in or near the Town of Sarnia, in the County of Lambton, thence in a south-easterly direction through the Townships of Sarnia, Moore and Enniskillen, in said county to and through the Town of Petrolea in said county, or to a point adjacent thereto, and through the said Township of Enniskillen to and through the Village of Oil Springs in said county and south-easterly through the Townships of Dawn and Euphemia in the said county, to the Village of Florence and with power to build and operate a branch line from a point on the main line in the said Township of Dawn and thence through the Township of Camden in the County of Kent to and through the Town of Dresden in the said County of Kent, and to confer upon the company all the powers of *The Electric Railway Act*; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said David Milne, William B. Collins, Frederick J. Winlow and Thomas H. Smallman, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Lambton Central Electric Railway Company" hereinafter called "the company."

2. The company is hereby authorized and empowered to survey, lay out, construct and make, complete, operate, alter and keep in repair iron or steel railways to be operated by electricity or compressed air or other motive power to be approved of by the Commissioner of Public Works, except steam, beginning

Location of line.

beginning at some point in or near the Town of Sarnia, in the County of Lambton, thence in a south-easterly direction through the townships of Sarnia, Moore and Enniskillen in the said county to and through the Town of Petrolea in said county, or to a point adjacent thereto, and through the said Township of Enniskillen to and through the Village of Oil Springs in said county, and south-easterly through the Townships of Dawn and Euphemia in the said county to the Village of Florence, and with power to build and operate a branch line from a point on the main line in the said Township of Dawn and thence through the Township of Camden in the County of Kent to and through the Town of Dresden in the said county. The said railways or any of them, or any part thereof, may be carried along and upon such public highways as may be authorized by by-law of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies, if any, interested in such highways and between the company and the Superintendent of Indians, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same, and may also make and enter into any agreement with the Superintendent-General of Indian affairs as to the terms of occupancy of any street or highway in or through the Sarnia Indian reservation.

Rev. Stat.
c. 209.
Rev. Stat.
c. 224.

Capital stock, **3.** The capital stock of the company shall be \$200,000 to be divided into 2,000 shares of \$100 each.

Provisional
directors.

4. The said David Milne, William B. Collins, Frederick J. Winlow and Thomas H. Smallman with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of
provisional
board.

5. All meetings of the provisional board of directors of the said company shall be held at the Town of Sarnia, in the County of Lambton.

Number of
directors.

6. The number of the directors shall not be less than five nor more than nine.

Date of
annual meet-
ing.

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

8. The capital stock of the said company shall be applied and appropriated towards construction of the said railway in the following manner :—

Capital stock
appropriated
to branches.

1. \$40,000 to the section or branch from Sarnia to Marthaville.
2. \$10,000 to the section or branch from Marthaville to Petrolea.
3. \$30,000 to the section or branch from Petrolea to Oil Springs.
4. \$10,000 to the section or branch from Oil Springs to Oil City.
5. \$30,000 to the section or branch from Oil City to Dawn Centre.
6. \$40,000 to the section or branch from Dawn Centre to Florence.
7. \$40,000 to the section or branch from Florence to Dresden.

When and so soon as twenty-five per centum of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per centum of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at which meeting the shareholders who have paid at least ten per centum of the amount subscribed for by them shall from the shareholders elect not less than five nor more than nine persons to be directors of the said company.

9. The head office of the said company shall be at the Town Head office. of Sarnia, in the County of Lambton.

10. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

Bonding
powers.

11. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until twenty-five per centum of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section.

12. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this Province

Rights of
aliens.

province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Securing
bonds by
mortgage.

13. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

Rev. Stat.
c. 148.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Issue of
preferential
stock.

14. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock, and being section 22 of said Act and the amendments thereto, are hereby incorporated in and made part of this Act.

15. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Construction
of line by
sections.

Rev. Stat.
c. 209.

16 The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders

Directors em-
powered to
pay in stock.

holders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters.

Special rates
for fruit,
milk, etc.

17. The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

Collecting
back charges
on goods.

18. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Agreements
for connec-
tion, etc.,
with other
companies.

19. The said company shall have power to agree for connections and making running arrangements with The Sarnia Street Railway, Limited, The Erie and Huron Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into
by

by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has been first obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

20. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Agreement
with other
companies.

21. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the said company passes or in which it is situate by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein

Exemptions
from municipal
assessment

22. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Level
crossings

23. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Forms of conveyance of
lands to company.

Expenses of
Act.

24. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Time for com-
mencement
and comple-
tion.

25. The undertaking hereby authorized shall be commenced within three years and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Incorporation
Rev. Stat.
c. 209.

26. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Limitation of
transmission
of electric
energy.

27. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Agreements
with other
companies
to be subject
to regulations.

28. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

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SCHEDULE A.

(Section 23.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Lambton Central Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Lambton Central Electric Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (*or hands and seals*) this day of one thousand nine hundred and

Signed, sealed and delivered in the presence of

(L.S.)

CHAPTER 82

An Act respecting the London Street Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS the London Street Railway Company was incorporated by an Act of the Ontario Legislature passed in the 36th year of the reign of Her late Majesty Queen Victoria, chaptered 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the municipality of the City of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities; and whereas the London Street Railway Company have by their petition prayed for an Act confirming By-law No. 431 of the Corporation of the Township of London, dated the 20th day of June, 1901, and the agreement made in pursuance thereof between the said petitioners and the Corporation of the Township of London and dated the 20th day of July, 1901; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
with Town-
ship of London
confirmed.

1. The agreement between The London Street Railway Company and the Corporation of the Township of London dated the 20th day of July, 1901, and the By-law No. 431 therein referred to and incorporated therewith, which are set out in Schedule A to this Act, are hereby declared to be valid and legal and to be binding upon the parties thereto.

Enforcing
observance of
by-law by
company.

2. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents of the municipality or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises and to enforce by injunction, or otherwise, the due observance, performance and fulfilment

fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested.

3. Nothing in this Act or in any of the schedules thereto shall be construed to authorize the said company to operate a street railway or to run cars on the Lord's Day. Sunday service not authorized etc.

SCHEDULE A.

By-law No. 431 of the municipal council of the corporation of the Township of London, respecting the London Street Railway Company.

Whereas the legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled "*An Act to incorporate the London Street Railway Company*", by which the said company (hereafter called "the company") are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company, and under and subject to any by-law of the municipality; and whereas the Township of London is a municipality adjacent to the said city of London; and whereas the corporation of the said Township of London (hereinafter called "the corporation") and the company are, by the said Act respectively authorized to make and enter into any agreements relating to the construction and operation of the said railway; and whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreement or agreements.

Be it therefore enacted by the municipal council of the corporation of the Township of London, as follows:—

1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the remainder of the term of fifty years from the 8th day of March, A. D. 1875, a surface electric street railway, on the trolley system, consisting of a single track, with one turnout or switch for the passage of cars, carriages and other vehicles adapted to the same upon and along that portion of the road or highway (which was originally known as the London and Goderich road) in the third concession of the said Township of London commonly called the "proof line road" lying between the northerly limit of the City of London and a point distant south easterly from the bridge crossing the north branch of the River Thames, commonly known as "Brough's bridge" to be fixed by the said engineer, and to erect all necessary poles and wires, electric appliances and overhead construction along such road allowance for the completion of the said railway on the trolley system and to operate such railway by running cars thereon by means of electricity as a motive power during the term herein specified upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The construction of the said Electric Street Railway shall be commenced within thirty days and shall be completed and the electric cars running thereon efficiently within two months from the passing of this by-law, and in default of which all privileges granted to the company by this by-law shall cease, determined and be at an end.

3. The tracks of the said railway and all works necessary for constructing and laying the same, shall be built and made in a substantial manner and according to the best modern practice, under the supervision of the engineer of the corporation and to the satisfaction of the said engineer, and the said road or highway shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition and to the satisfaction of the said engineer when the rails are laid, and the other necessary work of the company

company is done, as it was at the time it was broken up, opened or interfered with by the company.

4. The said railway shall be of the gauge of four feet, eight and one half inches, and the rails shall be what are known as T rails and shall weigh not less than fifty-six pounds per yard and be of similar pattern to those used on Dundas street in the Village of London West and upon the Governor's road in the Township of London, and the same shall be laid, kept and maintained flush with the said road or highway at all street and private crossings and in such a manner as shall least obstruct the free and ordinary use of the said road or highway and the passing of vehicles and carriages over the same.

5. (a) The said railway shall be laid on the east side of the highway, so that the west rail thereof shall not be more than fifteen feet, six inches from the easterly boundary line of the said highway.

(b) The company shall furnish the necessary tile for and place and maintain the same in the bottom of the present ditch on the east side of the said highway so as to properly drain the said highway on the east side thereof and shall also fill up the said ditch and grade the said highway on the east side thereof to the satisfaction and under the direction of the said engineer and so as not to interfere in any way with the drains of the Corporation of the Township of London and of the rate-payers and residents of the said township who are now using or who may hereafter desire to use the said ditch. Such tile shall be of the size of twelve inches from the city limits to the Mill Race on the said highway and shall be connected by the said company with all drains or ditches of the said township or of the said ratepayers and residents who now have drains or ditches which run into the present open ditch and the said company shall permit the said corporation or any ratepayer or resident who may hereafter desire to do so, to connect with the said tile hereby directed to be put in the bottom of the present open ditch on the said east side of the said highway.

6. (a) The tracks shall conform to the grade of the said road or highway as the same shall be established by the engineer of the corporation before the commencement of the work, and the said engineer shall immediately after the said grading has been done to his satisfaction give his certificate to the company to that effect and shall within one week after the giving of such certificate, if requested in writing by the company to do so, give the company the grades, and such notice shall be sufficiently given if mailed by registered letter addressed to the said engineer at his usual post-office address.

(b) Whenever in this by-law the words "track allowance" or "track allowances" are used, the same shall mean all the roadway, the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid or where double tracks, Y's, turnouts, switches, or side tracks are or shall be laid, the words "track allowance" or "track allowances" shall mean the whole space between the double track, Y's, and turnouts, and between the double tracks and between the tracks, and between the tracks and the switches, and between the tracks and the turnouts and eighteen inches outside of the outer rails of such double tracks, Y's turnouts, switches and side tracks, and where loops are or shall be laid the words "track allowance" or "track allowances" shall mean the roadway between the rail, and the outside of each rail.

(c) If the grade given by the said engineer conforms to the existing surface or is above the same, the company shall at their own expense make up the track allowance to the required height and put the same in good condition under the direction and to the satisfaction of the said engineer, and if the grade so given be below the said surface the company shall at their own expense lower the said allowance in such manner as the said engineer shall direct so that the road may be made and kept in a fit and proper state for public travel, and to the satisfaction of the said engineer. The company shall, in restoring the street or road, use similar material to that of which the roadway is composed to the satisfaction of the said engineer, removing all rough stone and dirt, and shall make the said roadway firm and compact to the satisfaction of the said engineer.

(d) All the work and material necessary to be done and supplied by the company in order to comply with the provisions of this by-law shall be done and supplied under the supervision and to the satisfaction of the said engineer.

7. (a) The said track allowance at all street and private crossings now existing or hereafter to be established shall be kept and maintained by the company during the continuance of this by-law or the extension of the company's rights thereunder, level with the rails and free from ruts, hollows, depressions or defects of any description, in thorough repair to the satisfaction of the said engineer, and shall be renewed from time to time by the company at their own expense to the satisfaction of the said engineer, all materials to be furnished by the company, and to be satisfactory to the said engineer, and all the said work to be done to his satisfaction and as and when required by him.

(b) The company shall at its own expense construct and maintain in good repair the crossings on the said road or highway where such crossings are now situate or wherever any crossing or crossings may be hereafter established.

(c) The assessment of the said company for and in respect of the railway hereby authorized to be constructed is hereby fixed at the sum of one thousand dollars for and during the term granted by this by-law.

8. While the rails are being laid or any of the works of the company are in the course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus road material shall be either removed or spread over the road, from which the same shall be taken, as shall be directed by the said engineer.

9. The corporation and the council of the corporation and their respective officers, servants and contractors shall have the right to take up the road and remove the company's tracks therefrom either for the purpose of altering the grades thereof, constructing or repairing all drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the time being within the powers, privileges, duties or obligations of the corporation without being liable to the company for any damage that may be thereby occasioned to the said railway or the works connected therewith or the working thereof or to the company, and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage or stoppage of sewers, drains or waterpipes or from the exercise by the corporation of any of their said powers.

10. In case the company shall fail to do, to the satisfaction of the said engineer, any work or thing, which by the terms of this by-law hereinbefore or hereinafter contained they are to do, or in case the company shall fail to keep the said track allowance and crossings in proper and sufficient state of repair in accordance with the terms and provisions hereof, the engineer may give written notice to the company (which may be served by mailing the same addressed to the company at the City of London) specifying in general terms the nature of the work or thing which the company has failed to do or the approximate locality of any such want of repair, and if the company shall not within seven days thereafter have done such work or thing or put in proper repair such track allowance or crossing to the satisfaction of the said engineer, then such work or thing may be done and such repair may be made by the corporation or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for any amount, all rights and privileges hereby granted to the company shall cease, determine and be at an end. Provided that such delay shall not relieve the company in any case from their liability under the provisions of this by-law to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair, in respect of which such notice shall be given.

11. The said railway shall not be open to the public, or put in operation,

tion, until the said engineer shall have given his certificate in writing that the same has been constructed in all respects conformably to the provisions of this by-law.

12. After the said railway has been constructed, before commencing any future work of alteration or repair, the company shall give to the said engineer notice of their intention so to do, and no more than one hundred lineal feet of the said road or highway shall without his authority in writing be broken up or open at any time or place, and when the work of such alteration or repair shall have been commenced the same shall be proceeded with without intermission and as speedily as the same can be carried on with due regard to their proper alteration and repair, and subject to the supervision of the said engineer.

13. During the construction or repair of the said railway, or any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic on the said road or highway, and streets running into or crossing the same shall not be unnecessarily impeded, and that lights, barriers, or watchmen, and all other efficient means and precautions shall be provided, taken and kept by the company when and where the same shall be necessary, or shall be required by the said engineer and to his satisfaction, to prevent accidents or injury.

14. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks except for street railway purposes, with horses, carriages or other vehicles, loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

15. The company shall construct, maintain and operate their system without causing injury to or interfere with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or any service now or hereafter, having the use of or being operated in, upon or under the said highway, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer, to prevent any such injury or interference as aforesaid, and should the company fail to adopt and use such means the corporation may adopt and use the same, and charge the costs thereof to the company, who shall pay the same to the corporation on demand.

16. (a) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs charges and expenses of every nature and kind whatsoever which the corporation may incur, to be put to or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the executing of their works or any of them, or by reason of the improper execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted by reason of any act, default or omission of the company or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damages, costs, charges or expenses, the company shall forthwith upon demand repay the same to the corporation.

(b) The company shall, by the use of guard-wires or other sufficient means, protect the telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.

17. (a) The company shall place and continue on said railway new combination motor cars of the same pattern and equipment as those now being used in the City of London, and the company for this purpose to have the right to build a loop "Y" or turntable at or near the northern terminus of its route, and at or near such points to construct its track

across

across the said highway so as to obtain access to other property upon which to construct such loop 'Y' or turntable, and all cars whether motor cars or not used by the company shall contain all the modern improvements for the convenience and comfort of passengers, including lighting and heating, and shall be lighted and heated at such hours and for such periods of the year as are required by the engineer of the City of London for cars running in the city, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design for the safety of the public, and with vestibules for the protection of the motormen, and all such gates, bars, fenders and vestibules shall be the same as are used upon the company's cars in the City of London. The said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments, and the company shall improve their cars from time to time so that the same shall at all times be in every respect equal to their cars in use in the said City of London.

(b) Cars shall not be crowded, and the number of passengers for each car shall be the number approved of by the engineer of the City of London with respect to cars running in the city, and no greater number of passengers shall be carried upon or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls the attention of the conductor to the crowding.

17. (c) The company in constructing a loop, "Y" or turn-table provided for by sub-section A of this section, shall not in any way impair the ditch or drain upon the side of the said highway, or interfere with the use thereof in any way.

18. If the company shall at any time permit any portion of the said road or highway, which is to be kept in repair by the company to become out of repair or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law to be, the said engineer may give to the company written notice, which may be served by mailing the same by registered letter addressed to the company (at the said City of London) specifying in general terms the approximate locality so by him considered to be out of repair or in such condition, and if the same shall not have been within seven days thereafter put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not if so required by the corporation operate its railway until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided such delay shall not relieve the company in any case from their liability under the provisions of this by-law, to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair in respect of which such notice shall be given.

19. (a) The privileges granted by this by-law shall extend until the 8th day of March, 1925, and the corporation may, after giving at least one year's notice prior to the expiration of the said term of their intention so to do, assume at the expiration of the said term the ownership of the said railway of the company on payment of the value thereof to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, and of the Act respecting arbitration and references, or any Acts substituted therefor or for the time being dealing with said matters and the arbitration shall have all the powers of arbitrators appointed under the said Act; and each party shall pay half the costs of the arbitration.

(b) After the corporation shall have given such notice they at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as if possible to make their award not later than the expiration of the said term, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award the corporation may nevertheless take possession of the said railway on paying into court the amount of such award if the award be made or if not, on paying into court

court or to the company such sum of money as a judge of the high court of justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties except in so far as herein specially provided shall not be affected or prejudiced thereby. In determining such value the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise are not to be taken into consideration but the arbitrators are to consider only the actual value of the actual and tangible property and plant connected with the said railway, but no allowance shall be made in respect of payments.

(c) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A. D. 1875, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods of five years reckoned from the expiration of the previous five years, exercise such right upon giving not less than one year's previous notice to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation aforesaid or possession taken under the provisions of this section as above mentioned. Provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained and the other provisions of subsection B of this section shall apply *mutatis mutandis* in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say, on the eighth day of March, A. D. 1925.

(d) In the event of the company's railway in the City of London being assumed and taken over at any time by the corporation of the City of London pursuant to section 20 of By-law No. 916, of the said City of London, and in the event of the corporation of the Township of London not desiring to assume the railway pursuant to the provisions of the first, second and third subsections hereof, then the said company shall have, firstly, the right to cease to operate the railway hereby authorized to be constructed and may remove their rails, ties, poles, wires and all other plant and material connected with their said railway; but shall leave the said highway in a thorough state of repair, and shall remove all ties and fill up all holes with good gravel, well pounded, so that the said highway shall be in as good repair as it is required to be under the terms of this by-law, or, secondly, the said company may assign all their franchise rights and privileges granted hereunder to the said corporation of the City of London, or to any other corporation, person or persons for the time being, the owners of the franchise and property of the London Street Railway company upon the said corporation or corporations, person or persons entering into an agreement with the said corporation of the Township of London, containing the same or similar terms, conditions and provisions as are set out in this by-law and in the agreement between the parties hereto. Provided always that the corporation shall not have the right to exercise the powers contained in the preceding subsections hereof, unless the corporation of the City of London take advantage of the provisions for arbitrations contained in section 20, of By-law No. 916, and provided further that, in the event of the corporation giving notice for arbitration in this section mentioned, it may discontinue the same at any time before the arbitrators are appointed.

20. The company in constructing their said railway will, so far as practicable so to do, employ residents of the Township of London.

21. Only one turnout shall be laid on the said highway between the terminal point of the said railway, and the said turnout shall not be more than two hundred and fifty feet in length and shall be located at such place as hereafter may be agreed upon between the corporation and the said company.

22. The following rules and regulations in regard to the working of the railway shall be observed by the company.

(a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.

(b) The municipal council of the corporation may require that the cars used shall commence running from the northerly terminus of the railway hereby authorized to be constructed as early as half past six o'clock in the forenoon of each day of the year, and that they shall continue to run for sixteen and one-half hours thereafter, the last car going north to leave the corner of Dundas and Richmond Streets in the City of London not earlier than eleven o'clock p.m., and shall run through to the northerly terminus of the railway hereby authorized to be constructed, but the company may at their own option run their cars for more than sixteen and one-half hours in each day.

(c) The company shall use only passenger cars, mail and express cars, cars used for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel, cars for street watering, snow cars for the purpose mentioned in this by-law and such other cars as the council of the corporation may from time to time by by-law permit, and all cars of every description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe.

(d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway hereby authorized to be constructed from any point thereon to any other point, a sum not exceeding two cents or one city ticket which shall be accepted by the company in lieu of the cash fare of two cents, and for a continuous journey thereon from any point on the said railway hereby authorized to be constructed to any point on the company's railway in the City of London as now existing or as may be hereafter in any way extended or from any point on the said company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed, a cash fare of seven cents, and shall sell tickets at the price of twenty-five cents for five tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid from any point on the railway hereby authorized to be constructed to any point on the said railway in the said City of London as now existing or as may be hereafter in any way extended or from any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed, and shall also carry a child or children free where such child or children are under five years of age, accompanied by a parent or other person having him or them in charge; children between the ages of five and twelve years shall be carried for a cash fare of two cents, and the company shall sell seven children's tickets good for children between the ages of five and twelve years at the price of twenty-five cents, and the said tickets shall entitle the said children to be carried upon the company's cars between any point upon the railway hereby authorized to be constructed and any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended and from any point on the company's railway in the said City of London as now existing or as may be hereafter in any way extended to any point on the railway hereby authorized to be constructed. And the company shall also carry free of charge all police constables in uniform, all health inspectors and other officers of the corporation in uniform or wearing badges. The fare set out in this section shall not apply to chartered or private cars.

(e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within the distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at stations and turnouts, and the rate of speed of all cars shall be from time to time subject to the directions of the said council of the corporation and the rates of speed may vary on different parts of the line

(f)

(f) No car shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid a collision or to prevent danger to persons in the streets or for other unavoidable reasons, and no car shall be left or remain standing in the said road or highway at any time unless waiting for passengers, and no more than three cars shall be coupled together.

(g) There shall be no less than two men in charge of each motor car, and at least one man in charge of each trailers or other car.

(h) Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on said railway.

(i) It shall be the duty of the motorman in charge of cars while on the road to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either up on the track or running towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.

(j) The conductor shall announce to the passengers the names of the streets as the car approaches them.

(k) The conductors and motormen shall bring the car to a stop (when passengers request to get on or off the cars) at all streets intersections and such other places as may from time to time be designated by the said Engineer provided that two stopping places are not so designated within the distance of 400 feet.

(l) The conductor shall not allow any woman or child, or aged or infirm person to enter or leave the car while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward of the car).

(m) The cars after sunset shall be provided with colored signal lights and a bright headlight on every motor car all to be the same as those approved of by the engineer of the City of London for cars running upon the company's lines in said city, and each motor car shall have the gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(n) The car shall be entitled to the track, and any horse or vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, but a reasonable time and notice by ringing of gong shall be given by motorman, and anyone placing an obstruction upon a track except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car shall be liable to a penalty not exceeding ten dollars, and the costs of prosecution on conviction before a justice of the peace for the County of Middlesex, and such penalty may be imposed for every day such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law; but if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of eleven p. m. and six a. m. to remove, load or unload the same without being liable to the penalty attached by this subsection provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the said engineer, for such removal and shall give reasonable notice thereof to the secretary or manager of the company and shall pay the company the cost of cutting their wires and splicing them.

(o) Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.

(p) Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the Magistrate's Court, pay a fine of not less than five dollars for each offense.

(q)

(q). The company shall keep a sufficient supply of tickets for sale upon all their cars and service on the said railway and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in subsection D of section 2' hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of two dollars, but not more, when required by any passenger.

(r). The speed and service necessary on the said railway shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and there shall not be more than sixty minutes between two successive cars running in the same direction on the said railway.

(s). In case the electric motors or cars used by the company in operating the railway hereby authorized to be constructed whilst passing along the said railway cause alarm to any horses travelling or being upon or near the proof line road with vehicles or otherwise, the motorman shall if necessary, stop the cars to enable the horses so alarmed to pass without accident or injury.

23. In case of a breach on the part of the company of any of the provisions of the foregoing regulations lettered B, C, D, F, G, L, M, O, Q, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages the sum of ten dollars, and in case such breach of any of the said regulations lettered, D, Q, and R, shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 38 B.

24. The company shall from time to time adopt and use all the most improved safeguards against and means of preventing accidents and injury in the working and running of their railway and the same shall be from time to time similar to those approved of and used in the company's cars in the said City of London.

25. No motive power other than electricity shall be used by the company, except with the approval of the corporation unless in cases of accident or necessity and then only under the written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.

26. The company shall not in any case connect any of their wires with any underground water or other pipes or mains.

27. It is hereby reserved to the council of the corporation to make and the council shall have the right to make such further rules, regulations, orders and by-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interest of the corporation, and to provide for the safety, welfare or accommodation of the public but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.

28. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays.

29. (a) The poles to be used for the company's wires may be iron or wooden poles, and if wooden, the poles shall all be straight and perpendicular and as nearly as possible of the same shape and size and shall be dressed throughout and shall be painted and shall be placed on the sides of the road close to the sidewalk unless otherwise directed by the said engineer.

(b) In case any pole shall be placed otherwise than in accordance with the provisions of this section, the corporation may require it to be immediately removed and replaced by a proper one.

30. (a) Whenever the company shall remove any snow or ice from their tracks or any part thereof, the same shall be entirely removed by them from the highway or shall be evenly spread over the highway under the direction

direction and to the satisfaction of the said engineer if and so long as the engineer directs the company by notice so to do and whenever the snow and ice is removed from their tracks the company shall when removing the same slant down the adjoining snow and ice to such a distance outside of the tracks as to make the highway safe and even for the travelling public and to the satisfaction of the said engineer.

(b) In the event of the company neglecting to remove or level the snow and ice from the said road or highway as and when directed by the said engineer, the same may be removed by the said engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the company to the corporation on demand.

31. Nothing in the next preceding section contained shall be deemed to authorize or permit any person to deposit on the said road or highway any snow or ice.

32. The company shall not use salt for the removal of any snow or ice.

33. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company in or in respect of the said highway.

34. In all the sections of this by-law in which the time of day is mentioned, such time shall be understood to mean what is known as eastern standard time.

35. Should the company at any time cease to regularly use for the purposes of their railway, for the period of five months the poles and wires and overhead appliances and construction shall be placed by the company in the road, the said engineer or the council of the corporation may give written notice to the company) which may be served by leaving the same at the office of the company in the said City of London, or by mailing the same by registered letter addressed to the company at the said City of London) directing the company to remove the said poles and wires and overhead appliances and construction, and if the company shall not within one month after the service of such notice, at their own expense remove such poles, and wires and overhead appliances and construction and put the highway in proper repair, and to the satisfaction of the said engineer, the corporation may do so and charge the expenses thereof to the company who shall pay the same to the corporation on demand.

36. All passenger cars running within the limits of the Corporation of the Township of London shall make a continuous trip without transfer between the corner of Dundas street and Richmond street in the said City of London and the northern terminus of the railway hereby authorized to be constructed except during the holding of the Western Fair or any holiday.

37. (a) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinbefore provided, the passengers, mail, express, freight and baggage cars, and the passengers and goods thereon of all radial or other electric railway companies, which may during the continuance of this by-law, or of the extension of the rights of the company thereunder, desire the company so to do, over the tracks of the railway hereby authorized to be constructed, the company to have charge and control of all cars while the same are passing along their tracks, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law, from all passengers on the said cars hauled by them as aforesaid, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 19 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor having regard only to the operating expenses of the said road

(b) In case the company refuse or neglect to carry out any of the provisions of subsection A of this section to the satisfaction of the corporation or the said radial or other electric railway company or companies the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in section 19 hereof, and the corporation, the company or any of the said radial or electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(c) In all arbitrations under this by-law the majority of the arbitrators shall be competent, and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

(d) In the event of part of the Township of London in which is situate the whole or part of the said highway is incorporated with and becomes part of the City of London, then the provisions herein contained for maintenance and repair shall, as to the part of the highway so incorporated, become null and void, but the provisions for repair and maintenance provided by said By-law No. 916 of the City of London or as the same may be hereafter amended shall become and be applicable to such part of the highway so incorporated as aforesaid.

36. (a) In case of non-payment of any fine and costs imposed under subsection N or subsection P of section 22 of this by-law, the same may be levied by distress and sale of the goods and chattels of the offender, and in case of non-payment and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gaol of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days.

(b) In the event of the company failing or neglecting to construct their said railway as hereinbefore provided in substantial conformity with the provisions of this by-law, or in the event of the company failing or neglecting for the space of thirty days, whether consecutive or not, in any year, to maintain and operate the said railway in substantial conformity with the provisions of this by-law, the corporation, by resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other by-law hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith, and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreement rescinded, and in such case the corporation shall have the right to require all obstructions and materials placed in said highway by the company under any such by-law or agreement to be removed therefrom and the said highway put in as good condition and repair as it was before the said materials and obstructions were placed thereon, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability or damage on account thereof.

39. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the forty-first section hereof, and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, provided that the Act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say :—

“If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents

of

of the municipality, or the corporation, or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company and all other necessary parties to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to enforce by injunction or otherwise the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested."

40. The word "engineer" wherever it refers in this by-law to the engineer of the corporation shall mean such person as may from time to time be designated and appointed by resolution of the council of the corporation to perform the duties of engineer under this by-law.

41. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay the corporation the sums mentioned in this by-law and to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the solicitors for the corporation and such agreement when so approved, shall also be executed under the seal of the corporation and the reeve thereof.

Passed in open council this 20th day of June, A. D. 1901.



THOS. CLARK,
Reeve.

MARY GRANT,
Clerk London Twp.

Articles of agreement made the 20th day of July, A.D. 1901, between the corporation of the Township of London (hereinafter called the corporation), of the first part; and, The London Street Railway Company (hereinafter called the company), of the second part.

Whereas the legislature of the Province of Ontario on the 29th day of March, A. D. 1873, passed an Act entitled, *An Act to incorporate the London Street Railway Company*, by which the said company are authorized and empowered to construct and operate a railway in any of the municipalities adjacent to the City of London, subject to any agreement to be made between the council of such municipality and the company and subject to any by-law of the municipality.

And whereas by the said Act it is amongst other things provided that the council of the corporation and the company may make and enter into any agreement or covenant relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the constructing opening of, or repairing of the drains or sewers, or the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular road or roads along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same and time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation on the twentieth day of June in the year of our Lord 1901, passed a By-law, numbered 431, granting to the company certain rights for the construction, maintenance and

and operation of the said railway upon and along that portion of the road or highway (which was originally known as the London and Goderich Road) in the third concession of the Township of London, commonly called the Proof Line Road, lying between the northerly limit of the City of London and a point distant south-easterly from a bridge crossing the north branch of the River Thames, commonly known as Brough's Bridge, to be fixed by the engineer of the corporation upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said by-law, and the same have been approved of by the solicitors for the corporation.

Now these presents witnesseth that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following that is to say :

That the company do hereby accept the said by-law, and that the company, their successors and assigns, will pay to the corporation any sum or sums of money mentioned in the said by-law, and will in all things conform to, obey, perform, observe, fulfil and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisos and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal, and the reeve and the clerk have set their hands, and the company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above written.

Signed, sealed and delivered	}	THOS. CLARK.	{ Corporate Seal London Township Council. }
In the presence of :		MARY GRANT,	
JOHN BROWN.		Clerk.	
JOHN BROWN.		HENRY A. EVERETT,		{ Corporate Seal, The London Street Railway Company. }
JAMES J. FITZGERALD	President.		
B. M. F. MCKELLAR.	C. E. A. CARR,	Secretary.	

CHAPTER 83.

An Act to incorporate The Middlesex and Elgin Inter-urban Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS James Charles Dance of the Township of South Dorchester, in the County of Elgin, yeoman, George Avery Anderson, of the City of St. Thomas, in the County of Elgin, commercial traveller, James Brodie McLaren, of the Town of Ingersoll, in the County of Oxford, exporter, George Sutherland of the City of Chicago, in the State of Illinois, one of the United States of America, journalist, and Alfred Thomas Hobbs, of the City of London, in the County of Middlesex, physician, have by their petition prayed that they may be incorporated under the name of "The Middlesex and Elgin Inter-urban Railway Company," for the purpose of constructing and operating electric railways from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships of Malahide and Yarmouth, the City of St. Thomas, and the Township of Southwold, all in the said County of Elgin, and the Township of Westminster in the County of Middlesex, to a point in or near, or through the City of London, in the said County of Middlesex, with a branch from the said City of St. Thomas to a point in or near the Village of Port Stanley, in the said County of Elgin; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said James Charles Dance, George Avery Anderson, James Brodie McLaren, George Sutherland and Alfred Thomas Hobbs, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Middlesex and Elgin Inter-urban Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter, and keep in repair iron or steel railways, to be operated by electricity, with double or single iron or steel tracks, from a point in or near the Town of Aylmer, in the County of Elgin, passing through the Townships of Malahide and Yarmouth, the City of

of St. Thomas and the Township of Southwold, all in the said County of Elgin, and the Township of Westminster, in the County of Middlesex, to a point in or near or through the City of London, in the said County of Middlesex, with a branch from the said City of St. Thomas to a point in or near the Village of Port Stanley, in the said County of Elgin, and the said railways or any of them or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein, and in *The Electric Railway Act*, and hereinafter contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways, and as to any portion of the said railway to be constructed over a toll road in the said County of Elgin then also under and subject to agreement between the corporation of the said County of Elgin and the said company; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions in *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same, and in this Act contained.

Rev. Stat. c.
209.

Rev. Stat. c.
209.

Rev. Stat. c.
223.

3. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway

Agreements
for connect-
ion etc.,
with other
companies.

railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power as to agreements with other companies to be subject to regulations.

4. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railways shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Provisional directors.

5. The said James Charles Dance, George Avery Anderson, James Brodie McLaren, George Sutherland and Alfred Thomas Hobbs, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such, until other directors shall be appointed under the provisions of this Act, by the shareholders.

Meetings of provisional directors.

6. All meetings of the provisional board of directors of the said company shall be held at the City of St. Thomas in the County of Elgin.

Date of annual meeting.

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Capital stock.

8. The capital stock of the said company shall be \$500,000 to be divided into 5,000 shares of \$100 each.

Application of capital to sections of line.

9. The said capital stock of the said company of \$500,000 shall be applied and appropriated towards the construction of the said railways in the following manner: \$150,000 to the section thereof from Aylmer to St. Thomas, \$200,000 to the section thereof from St. Thomas to London, and \$150,000 to the section thereof from St. Thomas to Port Stanley. When and so soon as twenty-five per centum of the authorized capital appropriated to any such section, shall be subscribed, and ten per centum of such authorized capital has been paid into some chartered

chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at the City of St. Thomas, at such time as they think proper, giving the notice prescribed by *The Electric Railway Act*, at which meeting the shareholders who have paid at least ten per centum of the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications in the said Act mentioned, elect five persons to be directors of the said company.

Rev. Stat.
c. 209.

10. The head office of the said company shall be at the City Head office. of St. Thomas, in the County of Elgin.

11. The company may make uniform special rates for the carriage of fruit, milk and other perishable freight.

Special rates
for milk, etc.

12. The directors of the said company shall have power to issue bonds and debentures of the company for the purpose of raising money, for prosecuting the undertaking, but the whole amount of the issue of such bonds or debentures shall not exceed \$20,000 for each mile of said railways, and no bonds or debentures shall be issued until twenty-five per centum of the authorized capital appropriated to any one of the sections has been actually expended on such section; and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act*.

Bonding
powers.

Rev. Stat. c.
209.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act* and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined,

Construction
of line by
sections.

Rev. Stat. c.
209.

certified

certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys". The construction of the railways in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway, provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Exclusive
rights not to
be granted by
municipalities

14. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railways any exclusive rights, privileges, or franchise as to the transmission of electrical energy for power, light and heat, over or across any public highway or street in said municipality.

Application of
Rev. Stat.
c. 209.

15. The several clauses of *The Electric Railway Act*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Time for com-
mencement
and comple-
tion.

16. The railways, or such sections thereof as are authorized by this Act, shall be commenced within two years, and shall be completed within five years from the passing hereof.

Operating in
cities.

17. Notwithstanding anything in this Act contained the railways shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may be mutually agreed upon between the company and any street railway or electric railway already operating in such city, provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway companies to allow its tracks or any of the city streets to be used for the entrance of the railways to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

CHAPTER 84.

An Act to incorporate the Morrisburgh Electric Railway Company.

Assented to 17th March, 1902.

WHEREAS Isabella F. Farlinger, of the Village of Morrisburgh, in the County of Dundas, Land Owner ; Edward McLaughlin, of the same place, Physician ; William Kyle Farlinger of the same place, Farmer ; John Augustus Farlinger, of the same place, Merchant, and Isaac J. Lane, of the Township of Williamsburgh, in the said county, Physician, have by their petition prayed for an Act of incorporation under the name of the " Morrisburgh Electric Railway Company," for the purpose of constructing and operating an electric railway from some point in the Village of Morrisburgh, in the County of Dundas, passing through the said Village of Morrisburgh, the Township of Williamsburgh and the Township of Winchester to some point in the Village of Winchester, in the said County of Dundas, with power to construct a branch line from some point on the said main line, through the townships of Williamsburgh and Winchester or the latter only, through the Village of Chester-ville and Township of Winchester to the Village of Morewood in the said County of Dundas, with power to acquire, erect and operate hotels and sanitariums in connection with the running of said railway ; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Isabella F. Farlinger, Edward McLaughlin, William Kyle Farlinger and John Augustus Farlinger, of the Village of Morrisburgh, in the County of Dundas, and Isaac J. Lane, of the Township of Williamsburgh, in said County, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of " The Morrisburgh Electric Railway Company."

Incorporation

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, alter and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity from some point in the Village of Morrisburgh, in the County of Dundas, passing through the said Village of Morrisburgh, the Township of Williamsburgh and the Township

Location of line.

Township of Winchester, to some point in the Village of Winchester, in the said county, and also to survey, lay out, construct, alter, and keep in repair a branch line consisting of a double or single track railway, with iron or steel rails, to be operated by electricity from a point on the main line through the said Township of Williamsburgh and Winchester or the latter only through the Village of Chesterville and the Township of Winchester to some point in the Village of Morewood, in the said County of Dundas; and the said railway or the branch line thereof or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act* contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said Company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.
c. 209.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

Provisional
directors.

3. The said Isabella F. Farlinger, Edward McLaughlin, William Kyle Farlinger, John Augustus Farlinger and Isaac J. Lane with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of
provisional
directors.

4. All the meetings of the provisional board of directors of the said company shall be held in the Village of Morrisburgh, in the County of Dundas, or at such other place as may best suit the interests of the said company.

Annual
meeting.

5. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

Capital stock.

6. The capital stock of the company hereby incorporated shall be \$300,000 to be divided into 3,000 shares of \$100 each.

Directors.

Rev. Stat.
c. 209.

7. The board of directors of the company shall consist of not less than five nor more than nine persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act*.

Head office.

Power to erect
hotels and
sanitarium.
Rev. Stat.
c. 245.
Rev. Stat.
c. 248.

8. The head office of the said company shall be at the Village of Morrisburgh.

9. The company may purchase land for and (subject to the provisions of *The Liquor License Act* and *The Public Health Act*),

Act) may erect, maintain and operate hotels and sanitariums in connection with the said railways.

10. The several clauses of *The Electric Railway Act* and of every Act in amendment thereto shall be incorporated with and be deemed to be part of this Act and shall apply to the company and to the railway to be constructed by them except only in so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Incorporation
of provisions
of Rev.Stat.
c. 209.

CHAPTER 85.

An Act respecting The Nepigon Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS The Nepigon Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario in the 62nd year of Her Majesty Queen Victoria's reign, and chapter 98, under the name of The Nepigon Railway Company, for the purpose of constructing and operating a railway from some point at or near Nepigon station, on the line of the Canadian Pacific Railway; thence in a northerly direction to the shore of Lake Nepigon, and branch lines not exceeding twelve miles in length; and whereas the said company has, by its petition, prayed that an Act may be passed authorizing the said company to extend its proposed line of railway from the northern terminus thereof, as defined in the said Act of Incorporation, in a northerly direction to the Albany River; thence in a north-easterly direction by way of the valley of the Albany River by the most feasible route to James Bay, and southerly to some point on Nepigon Bay; and to construct and operate a branch line from some point on the proposed main line of the said railway between Nepigon Station and Lake Nepigon south-westerly to Port Arthur and Fort William; and whereas the said company has further, by its said petition, prayed that the time for commencing and completing the said proposed railway shall be extended; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

62 V., c. 98,
ss. 1, 2, 4
repealed.

1. Sections 1, 2 and 4 of the Act passed in the 62nd year of Her Majesty Queen Victoria's reign, chapter 98, and intitled *An Act to incorporate The Nepigon Railway Company*, are repealed and the following substituted therefor:—

Incorporation.

1. Paul Weidner, of the City of Detroit in the State of Michigan, one of the United States of America, pulp manufacturer; Franklin S. Wiley, of the Town of Port Arthur, in the District of Thunder Bay, miner; Alexander J. McComber, of the same place, clerk; James Whalen, of the same place, contractor; M. B. Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer; Newton W. Rowell, of the City of Toronto in the County of York, solicitor; and James G. Shaw, of the same place, solicitor, together with all such persons and corporations as shall become shareholders in the company hereby incorporated

ated, shall be and are hereby constituted a body corporate and politic under the name of "The Nepigon Railway Company," hereinafter called the company.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, or electricity, with single or double iron or steel tracks, from some point on Nepigon Bay, at or near Nepigon Station, on the line of the Canadian Pacific Railway, in the District of Thunder Bay; thence in a northerly direction by way of Lake Nepigon to the Albany River, and thence in a north-easterly direction by way of the valley of the Albany River, by the most feasible route to James Bay, and to construct and operate a branch line of the said railway from some point on the main line between Nepigon Station and Lake Nepigon in a south-westerly direction to Port Arthur and Fort William, and to construct and operate other branch lines of railway, none of such other branch lines to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway, and the said railways, and any part thereof, so far as the same may be operated by electricity, may be carried along, and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same; Provided that *The Electric Railway Act* shall not apply to the company except in so far as the said railways are constructed along or upon a public highway.

Location of line.

Rev. Stat., c. 209.

Rev. Stat., c. 223.

4. (1) The said Paul Weidner, Franklin S. Wiley, Alexander J. McComber, James Whalen, M. B. Lloyd, Newton W. Rowell and James G. Shaw shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional directors.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional

Powers of provisional directors as to changing provisional board.

provisional directors of the said company pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

Meetings of
provisional
board.

(3) The first meeting of the board of provisional directors may be called upon notice, signed by, or on behalf of three provisional directors; such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

62 V. c. 98,
s. 46, subs. 5,
amended.
Entering on
Crown lands.

2. Sub-section 5 of section 46 of the said Act is amended by adding to the said sub-section the following:—And with the consent of the Lieutenant Governor in Council, to enter upon, use, occupy and enjoy any unoccupied lands of the Crown, for all or any of the purposes aforesaid.

62 V.,
c. 98, s. 50,
amended.

3. Section 50 of the said Act is amended by inserting after the words "railway company" in the third line thereof the following: "The Algoma Central Railway Company, or The Canada Northern Railway Company, and all other railways, the lines of which are approached or crossed by, or which approach or cross the line of railway of this company."

62 V.,
c. 98, s. 51
amended

4. Section 51 of the said Act is amended by inserting after the words "railway company" in the third line thereof the following: "The Algoma Central Railway Company, or The Canada Northern Railway Company, and all other railways, the lines of which are approached or crossed by, or which approach or cross the line of railway of this company."

Agreements
with other
companies to
be subject to
regulations—

5. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Time for com-
mencement
and comple-
tion.

6. The said railway shall be commenced within three years from the date of the passing of this Act and finally completed within five years after the passing of this Act; and section 55 of the said Act is hereby repealed.

CHAPTER 86.

An Act to incorporate The New Ontario Railway Company.

Assented to 17th March, 1902.

WHEREAS Peter Livingstone, Charles Rubidge Dunsford Preamble.
and Benjamin McConnell, all of the Town of Morden,
in the Province of Manitoba. Fremont Crandell and Hugh
O'Leary, of the Town of Lindsay, in the County of Victoria
and Province of Ontario, have by their petition prayed for an
Act of incorporation under the name of "The New Ontario
Railway Company" for the purpose of constructing and operat-
ing a railway from some point between the Village of Dryden
and Vermilion Bay on Eagle Lake on the line of the Canadian
Pacific Railway, thence in a northerly direction to a point at or
near the west end of Lac Seul in the district of Rainy River and
branch lines not exceeding 12 miles in length and it has been
represented that the line of the railway of the company so to
be incorporated will for the most part be constructed in the
unorganized part of the Province; and it is proposed to operate
the same by steam or electricity; and whereas owing to the
location of the line of the said railway the provisions of *The
Electric Railway Act* are not applicable to the company so to
be incorporated, and the said petitioners have prayed that
there may be conferred upon them the powers ordinarily given
upon the incorporation of a railway to be operated by steam;
and whereas for the reasons aforesaid the circumstances of
said proposed line of railway are exceptional; and whereas it
is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Peter Livingstone, Charles Rubridge Dunsford and Benjamin James McConnell, Fremont Crandell and Hugh O'Leary, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The New Ontario Railway Company" hereinafter called "the company." Incorporation.

2. The company is hereby authorized and empowered to Location of
survey, lay out, construct, complete, equip and maintain a line.
railway to be operated by steam or electricity with single or
double

double iron or steel tracks from some point on the line of the Canadian Pacific Railway between the Village of Dryden and Vermilion Bay on Eagle Lake thence in a northerly direction to some point at or near the west end of Lac Seul, in the District of Rainy River, and to construct and operate one or more branch lines of railway, each branch not to exceed 12 miles in length; and the said railway or any part thereof so far as the same may be operated by electricity may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and *The Municipal Act*, and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as the railway is constructed along or upon a public highway.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Peter Livingstone, Charles Rubidge Dunsford and Benjamin James McConnell, Fremont Crandell and Hugh O'Leary, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Subscription and allotment of stock.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors,

Rev. Stat.
c. 207.

directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance
of land to
company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
for stock when
binding.

8. The company may receive, from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-
way.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 2,500 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

Rev Stat.
c. 207.

10. When and as soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed,

First election
of directors.

ed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said District of Rainy River, of the time, place and purpose of the said meeting.

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Power to con-
struct line in
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands

Rev. Stat.
c. 207.

lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Rights of
aliens.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Calls on stock.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Directors em-
powered to
pay in stock.

17. The head office of the company shall be at the City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said District of Rainy River, during the four weeks immediately preceding the week in which such meeting is to take place.

Head office
and general
annual meet-
ing.

18. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the

Special gener-
al meetings.

by-laws of the company, and upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Issue of bonds.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Bonds, etc., how payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging or pledging bonds.

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements with other companies for leasing or hiring rolling stock.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and telephone lines.

Proviso.

26. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

Submitting bonus by-laws

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality,

municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what to contain.

28. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Deposit before by-law is submitted.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to pass by-law if assented to by rate-payers.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of debentures.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided

provided for by the by-law, and deliver the same, duly executed to the trustees appointed, or to be appointed, under this Act.

32. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality

33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of Rev. Stat. c. 223.

34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend time for commencement.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Councils may extend the time for completion.

36. Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. Extent of aid from municipalities.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such By-law granting exemption from taxation.

such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company and subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The New Ontario Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque

or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fee to trustees.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots. Rev. Stat. c. 207.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring materials for construction. Rev. Stat. c. 207.

44.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions Sidings to gravel pits.

Rev. Stat.
c. 207.

provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to
erect snow
fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

General
powers.

Warehouses,
docks, etc.

46. The company shall have power and authority:—

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect
necessary
buildings,
wharves, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight, and business of the railway;

Powers as to
production
and use of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company;

Lease or sell
electricity not
required for
railway.

(4) To sell or lease in the unorganized territory and in any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms

terms.

terms and conditions of such by-laws, any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint-stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas, for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev. Stat.
c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality, passed in pursuance thereof.

Acquiring
rights for
conveying
electricity.

47.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases, any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construction
on streets, etc

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c.
223, s. 632.

Power to purchase wharves etc.

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, elevators, store-houses, warehouses, engine-houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

Power to hold additional property at extremities of railway.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon store-houses, warehouses, engine-houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Agreements for amalgamation.

50. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, if lawfully authorized to enter into such arrangements for amalgamation, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Arrangements with other companies.

51. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreements

agreements, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company hereby incorporated to enter into an agreement with the said company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

52. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

53 The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges on goods.

54. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 207.

Commence-
ment and com-
pletion of line.

55. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.

Exclusive
rights not to
be granted by
municipali-
ties.

56. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Agreement
with other
companies to
be subject to
general
regulations.

57. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by The New Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The New Ontario Railway Company, their successors and assigns forever, (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 19

Signed, sealed and delivered
in the presence of

[L S]

SCHEDULE B.

(Section 40.)

CHIEF ENGINEER'S CERTIFICATE.

The New Ontario Railway Company's Office,
No.

A.D. 19

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The New Ontario Railway Company Municipal Trust Account given under section chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign

I, chief engineer of
The New Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of
(or under the agreement dated the day of
19 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(here set out the terms and conditions, if any, which have been fulfilled).

CHAPTER 87.

An Act to incorporate The Ontario Electric Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Honorable Sir Richard J. Cartwright, G. C. M. G., of the City of Ottawa ; Albert L. Jewell, of the City of Boston, banker, Cornelius Bermingham of the City of Kingston, manufacturer ; Robert J. Carson of the City of Kingston, merchant ; Horace N. Smith of the City of Salem manufacturer ; George E. Smith of the City of Boston, electrician, and John Carson of the City of Kingston, merchant, have by their petition prayed for an Act of incorporation under the name of The Ontario Electric Railway Company, for the purpose of constructing and operating by electricity, compressed air or any other motive power approved of by the Commissioner of Public Works, except steam, a railway from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnabruck, Williamsburgh, Matilda, Edwardsburgh, Augusta, Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurlow, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, West Whitby, Pickering, Scarborough, East York and West York, and in its course through said Townships passing through or touching at any or all of the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa to a point in or near the Town of Brockville and connecting with the above line, and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Wolford, Augusta, Montague, North and South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any or all of the various incorporated towns and villages lying in its route, with power to build branches or extensions from the said main lines not exceeding in each case thirty miles ; such branches not to extend beyond the limits of the counties in which the aforesaid townships are situate and shall only be built after the approval of the Lieutenant-Governor in Council ; and whereas it is expedient to grant the prayer of said petition ;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. The said Hon. Sir Richard J. Cartwright, G. C. M. G.,
 Albert L. Jewell, Cornelius Bermingham, Robert J. Carson,
 Horace N. Smith, George E. Smith and John Carson and
 such other persons, firms and corporations as shall hereafter
 become shareholders of the said company are hereby constitu-
 ted a body corporate and politic under the name of "The On-
 tario Electric Railway Company."

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by electricity, or compressed air, or any other motive power, approved of by the Commissioner of Public Works, except steam, and from time to time to alter, remove and change a double or single or partly double and single track iron or steel railway of the gauge of four feet, eight and a half inches, with all the necessary branches, switches, side tracks and turn outs for the passage of cars, carriages, motors and other vehicles adapted to the same from some point in or near the Town of Cornwall to a point in or near the City of Toronto, passing through the Townships of Cornwall, Osnaburck, Williamsburgh, Matilda, Edwardsburgh, Augusta, Elizabethtown, Yonge, Escott, Lansdowne, Leeds, Pittsburgh, Kingston, Ernesttown, North Fredericksburgh, Richmond, Tyendinaga, Thurlow, Sidney, Murray, Brighton, Cramahe, Haldimand, Hamilton, Hope, Clark, Darlington, East Whitby, West Whitby, Pickering, Scarborough, East York and West York, and in its course through said townships passing through or touching at any and all the various incorporated cities, towns and villages lying in its route, and also from a point in or near the City of Ottawa, to a point in or near the Town of Brockville and connecting with the above line and passing through the Townships of Nepean, North Gower, Marlborough, Oxford, Welford, Augusta, Montague, North and South Elmsley, Kitley, Yonge and Elizabethtown, and in its course through said townships passing through or touching at any or all the various incorporated cities, towns and villages lying in its route, with power to build and operate any part or branch of the said railway in sections, and with power to build and operate branches or extensions from the said main line not exceeding in each case 30 miles, the said branches not to extend beyond the limits of the counties in which the aforesaid townships are situate, and shall only be built after the approval of the Lieutenant-Governor in Council. The said railway may be carried along and upon such streets and highways and bridges as may be authorized by the by-laws of the respective corporations owning or having jurisdiction over the same, and subject to such restrictions therein or herein contained, and under and subject to any agreements hereafter to be made between the said company and the council of any of the said municipal corporations or any of the said other corporations respectively,

Incorpor-
ation.

Location of
line.

subject

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

subject to the conditions and restrictions contained in *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same.

Power given
to municipali-
ties and others
to grant rights
of way.

3. The council of any municipality through which the said railway passes, having jurisdiction over any highway, may, subject to the conditions and restrictions contained in *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same, pass a by-law or by-laws empowering the said company to make their road and lay their tracks along such highway and any individual firm or corporation owning any road or bridge or land over or along which it is desired to carry the said railway, may grant the right to said company to make their road and lay their track and operate their railway over and along the same, and such council, individual, firm and corporation and the said railway company are empowered to enter into such mutual agreements respectively relating thereto, and upon such terms as to them seem just and proper, subject to the terms of any agreement heretofore lawfully entered into between any municipality and any other railway company.

Provisional
Directors.

4. The Honorable Sir Richard J. Cartwright, Albert L. Jewell, Cornelius Bermingham, Robert J. Carson, Horace N. Smith, George E. Smith and John Carson shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the other directors shall be appointed under the provisions of *The Electric Railway Act*.

Rev. Stat.
c. 209.

Number of di-
rectors.

5. The number of directors shall not be less than five or more than nine.

Head Office.

6. The head office of the said company shall be at the City of Kingston, and all meetings of the provisional board of directors of the company shall be held at the City of Kingston.

Capital stock.

7. The capital stock of the company shall be \$5,000,000, to be divided into fifty thousand shares of \$100 each.

Annual meet-
ing.

8. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Directors em-
powered to
pay in stock.

9. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services

vices of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding, at a general meeting of the shareholders specially called for the purpose of considering such matters.

10. The said company may take, transport and carry passengers, goods, freight, express and mail matter over their said railway and may acquire, construct and maintain all necessary works, buildings, appliances and conveniences therewith and take and use the lands necessary for such purposes, and the said company may make uniform special rates for the carriage of fruit, milk and any other perishable goods.

Special rates
on fruit, etc.

11. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of *The Electric Railway Act* and amendments thereto, with respect to the plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of *The Electric Railway Act*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of *The Electric Railway Act*, and the amendments thereto with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing

Power to build
road in sections.

Rev. Stat.
c. 209.

therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points and not continuously along the said line of railway.

Power to operate road in sections.

Rev. Stat. c. 209.

12. Whenever any section of the said railway, of not less than ten miles, has been completed, the company may give to the Commissioner of Public Works a notice as to it similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

Power to borrow by the issue of bonds, etc.

Rev. Stat., c. 209.

13. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities, as therein provided, to an amount not exceeding \$20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of ten miles or over are opened to the amount of \$20,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of \$20,000 per mile of the railway.

Power to cross other railways.

14. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Compressed air, electricity, etc., power to generate.

15. The company may acquire and hold water powers and rights and lands necessary for developing and utilizing the same for the purpose of generating compressed air or electricity, or any other motive power other than steam, and may also generate the same by steam for the purposes of the railway and may acquire and hold lands for the erection of power-houses, and may construct, maintain and operate the necessary works for the production of compressed air, electricity and gas, or any other motive power, approved of by the Commissioner of Public Works, except steam, for the motive power of the said railway, and for lighting and heating the rolling stock and property of the company, and may in all municipalities where such sale or lease is authorized by by-law of the council of the municipality,

municipality, and subject to the terms and conditions imposed by such by-law, sell or lease any such electricity or compressed air, or other motive power, not required for the purposes aforesaid, to any person, firm or corporation, and in that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat. c.
200,

16. The said company shall have power to agree for connections and making running arrangements with any company or companies lawfully empowered to enter into such agreements upon terms to be approved of by two-thirds in value, of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any motors, carriages or cars or any of them or any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the agreement or agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any municipality or municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railway, or any section or branch thereof, provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect, has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreements
for running
arrangements,
etc., with
other com-
panies.

17. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale,

Powers to
be subject to
general
regulations.

lease

lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Powers to make agreements with other companies as to power.

18. The said company shall have power to enter into any agreement with any other company or person for the purchase leasing or hiring of power to run their compressed air or electric motors, or other motors, carriages or cars, or for lighting or heating them, or for any other purpose for which it may be required by the said company.

Application of Rev. Stat. c. 209.

19. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Rev. Stat., c. 209.

Power to hold land for parks.

20. Part K of sub-section 1 of section 9 of *The Electric Railway Act*, shall apply to the company, and be incorporated with this Act with the following amendments namely: The figures 100 in the fourth line shall be altered to 300; and the figures 300 in the second line of sub-section 2 of said section 9 shall be altered to 1,000.

Preferential stock.

21. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock and being section 22 of said Act and the amendments thereto are hereby incorporated in and made part of this Act.

Limitation of transmission of electrical energy.

22. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

CHAPTER 88.

An Act respecting The Ontario, Hudson's Bay and Western Railways Company.

Assented to 17th March, 1902.

WHEREAS by an Act passed in the 53rd year of the reign of Her late Majesty Queen Victoria and chaptered 124, The Sault Ste. Marie and Hudson's Bay Railway Company, now The Ontario, Hudson's Bay and Western Railways Company was duly incorporated and the times for the commencement and completion of the said company's railway were thereby limited to three years and ten years respectively from the passing of the said Act; and whereas by an Act passed in the 62nd year of Her said late Majesty's reign and chaptered 101, and by prior Acts the times for the commencement and completion of the said railway were respectively extended; and whereas the line of railway of the said company for the most part passes through unsettled and undeveloped portions of the Province; and whereas owing to difficulty in locating the permanent line of the said railway, the said company has been unable yet to commence construction; and whereas the time for said commencement of construction so extended as aforesaid will expire on the 7th day of April 1902; and whereas the said company has by its petition prayed that the times for the commencement and completion of its railway be further extended; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The times for the commencement and completion of the said railway are hereby extended, the time for commencement to be within three years, and the time for completion to be within seven years from the passing of this Act. Time for commencement and completion extended.

CHAPTER 89.

An Act respecting The Pacific and Atlantic Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS by an Act passed in the 63rd year of Her late Majesty's reign and chaptered 120 intituled *An Act respecting The Pacific and Atlantic Railway Company* the time for the commencement of the construction of the said railway was fixed at two years from the date of the passing of said Act; and whereas the line of railway of the company passes for the most part through sparsely settled and undeveloped portions of the Province; and whereas owing to difficulties and delays in locating the permanent line of said railway the said company has been unable to commence construction within the time limited in the said Act and has by its petition prayed that the time for the commencement and completion of the said railway be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

63 Vict.,
c. 120, s. 10,
repealed.

1. Section 10 of the said Act is hereby repealed.

Time for com-
mencement
and comple-
tion extended.

2. The construction of the said railway shall be commenced within three years and completed within seven years from the date of the passing of this Act.

CHAPTER 90.

An Act respecting the Pembroke Southern Railway Company.

Assented to 17th March, 1902.

WHEREAS the Pembroke Southern Railway Company, Preamble.
 hereinafter called "The Company" has under the various Acts incorporating and relating to the Company, constructed and is now operating from the Town of Pembroke, in the County of Renfrew, to Golden Lake, in the said County, its line of railway by the said Acts authorized; and whereas the Company by its petition has prayed for power to extend its said line of railway from a point at or near its present northern terminus in the said Town of Pembroke, through the Townships of Pembroke, Westmeath, and Ross or any of them to a point or points on the Ottawa River in the said Townships; and also for power to amalgamate with or enter into running arrangements with the Toronto Lindsay and Pembroke Railway Company, the Pontiac and Pacific Junction Railway Company or the Ottawa and Northern Railway Company, and for other powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Company may construct, equip, maintain and operate an extension or extensions of its line of railway from a point at or near its present northern terminus in the Town of Pembroke in the County of Renfrew, through the Townships of Pembroke, Westmeath and Ross or any of them to a point or points on the Ottawa River in the said Townships. Location of extension of line.

2. The Company shall have and enjoy and be entitled to all the rights, powers and privileges and advantages of every nature and kind whether had under the Act of Incorporation and other Acts relating to the Company or otherwise with reference to all matters necessary for the construction, equipment, maintenance and operation of the said extension or extensions in as full and ample a manner as if said extension or extensions had been a part of the original undertaking of the Company. Application of present powers to extension.

3. All persons, firms or corporations given rights, powers, privileges or advantages under the said Act of Incorporation and other Acts as aforesaid, are entitled to the same rights, Provisions in Act of Incorporation to apply to extension.
 privileges

privileges and advantages and to exercise the same powers with reference to said extension or extensions.

Rights and powers of Municipalities to apply to extension.

4. All municipalities in which the railway of the Company is now situated or through which the said extension or extensions is or are to be constructed, or which may be benefitted thereby, shall have and enjoy all the rights and powers conferred upon municipalities by the said Act of Incorporation and other Acts as aforesaid, subject to the conditions therein contained.

Bonding powers.

5. The directors of the Company shall have power to issue bonds of the Company for the purpose of raising money for prosecuting the said extension or extensions which bonds shall be a first charge upon the extension or extensions to be made hereunder, and upon all franchises, lands, buildings, material, plant and assets obtained for or used in connection with the said extension or extensions, and be also a charge upon the present franchises, lands, buildings, material, plant and assets of the Company subject to a charge now existing thereon, represented by bonds of the Company; provided that the whole amount of the new issue of bonds when added to the amount of bonds already issued shall not exceed in all the sum of \$15,000 for each mile of said railway and extension or extensions, and the provisions of sub-sections 19, 20, 21, 22, and 23 of section 9 of *The Railway Act of Ontario*, shall apply to all such bonds and the issue thereof and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections.

Rev. Stat. c. 207.

Time for commencement and completion.

6. The said extension or extensions shall be commenced within three years and completed within five years from the passing of this Act.

Amalgamation, traffic, arrangements, etc., with other companies.

7. The Company is authorized and empowered to make necessary arrangements to contract and agree with the Toronto, Lindsay and Pembroke Railway Company, the Pontiac and Pacific Junction Railway Company, or the Ottawa and Northern Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation with or entering into traffic or other arrangements with any or either of them; provided that the terms of such amalgamation or traffic or other arrangements are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting of the Company called for that purpose in accordance with the said Act of Incorporation; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the Legislative authority of the Province of Ontario.

CHAPTER 91.

An Act to incorporate The Peterborough Radial Railway Company.

Assented to 17th March, 1902.

WHEREAS Thomas Evans Bradburn, agent; James C. Shook, lumber merchant; George Walford Hatton, barrister; Samuel Dickson Hall, merchant; Charles H. Bradburn, barrister, and Dickson Davidson, druggist, all of the Town of Peterborough, in the County of Peterborough, have by their petition prayed for incorporation under the name of "The Peterborough Radial Railway Company" for the purpose of constructing and operating by electricity, compressed air, or any other motive power, approved of by the Commissioner of Public Works, except steam, a railway in the Town of Peterborough and Village of Ashburnham and from the Town of Peterborough or Village of Ashburnham to, in and through the Village of Lakefield and thence through the Townships of Douro or Smith to Clear Lake and from some point in the Town of Peterborough through the Township of Smith to Chemong Lake, and from some point in the Town of Peterborough through the Township of Monaghan to the River Otonabee, and from some point in the Town of Peterborough or Village of Ashburnham to Rice Lake, with power to build in sections as hereinafter set out; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas Evans Bradburn, James C. Shook, George Walford Hatton, Samuel Dickson Hall, Charles H. Bradburn and Dickson Davidson and such other persons, firms and corporations as shall hereinafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Peterborough Radial Railway Company."

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity compressed air or any other motive power approved of by the Commissioner of Public Works, except steam and from time to time to remove and change a double or single track iron or steel railway of the gauge of four feet eight

Location of
line.

eight and one-half inches and all necessary side tracks and turn outs in the Town of Peterborough and Village of Ashburnham and from the Town of Peterborough or Village of Ashburnham to, in and through the Village of Lakefield and thence through the Township of Douro or the Township of Smith, to Clear Lake, and from the said Town of Peterborough through the Township of Smith to Chemong Lake; and from the said Town of Peterborough through the Township of Monaghan to the River Otonabee; and from the said Town of Peterborough or Village of Ashburnham through the Township of Otonabee or Monaghan or both to Rice Lake, with power to build any part or branch of said railway in sections, as hereinafter set out, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations; and the company may make and enter into any agreements with any municipal corporation as to the period and terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

Construction
of line by sec-
tions.

Rev. Stat.
c. 207.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction and of all the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, as follows: from the Town of Peterborough to a point on the Otonabee River; from the Town of Peterborough to Chemong Lake; from the Town of Peterborough or Village of Ashburnham to Rice Lake; from the Town of Peterborough or Village of Ashburnham to the Village of Lakefield and from the Village of Lakefield to Clear Lake, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over

over and taken and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

4. The capital stock of the said company shall be \$500,000, Capital stock.
to be divided into 5,000 shares of \$100 each.

5. The said Thomas Evans Bradburn, James C. Shook, Provisional
George Walford Hatton, Samuel Dickson Hall, Charles H. directors.
Bradburn and Dickson Davidson shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed in the manner provided by this Act and the by-laws of the company.

6. When, and as soon as shares to the amount of \$100,000 First general
in the capital stock of the company shall have been sub- meeting,
scribed, and twenty per centum paid thereon, into some char- election of
tered bank of the Dominion having an office in the Province directors.
of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said Town of Peterborough, of the time, place and purpose of said meeting.

7. At such general meeting the shareholders present either Election of
in person or by proxy, who shall at the opening of such meet- directors.
ing have paid up ten per centum on the stock subscribed by them, shall elect not less than five or more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act.

8. No person shall be qualified to be elected as such director Qualification
by the shareholders unless he be a shareholder holding at least of directors.
ten shares of stock in the said company, and unless he has paid up all calls thereon.

9. The head office of the company shall be at the said Town Head office.
of Peterborough, and the annual general meeting of the shareholders of the company shall be held at the said town or at such

such other place in the Province of Ontario and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Peterborough during the four weeks immediately preceding the week in which such meeting is to take place.

Application
of certain
provisions of
Rev. Stat.
c. 207.

10. Sections 10 to 20 inclusive, and section 31 of *The Railway Act of Ontario* shall be incorporated with and be deemed to be a part of this Act and shall apply to the company and to the railways to be constructed or operated by it except only so far as any parts thereof may be inconsistent with the express enactments hereof, but save as aforesaid *The Railway Act of Ontario* shall not apply to the company or to the lines of railway to be constructed or operated by it.

Rev. Stat.
c. 207.

Steam or
other vessels.

11. The company may build or acquire by purchase, lease or otherwise and hold as part of the property of the company and maintain, use and operate as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway, and may from time to time sell, lease, mortgage, alienate or otherwise dispose of the same or any of them.

Municipal
by-law ex-
empting from
taxation.

12. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law specially passed for the purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Acquiring
lands for
gravel pits,
etc.

13. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act,

Rev. Stat.,
c. 207.

as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

14. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits.

Rev. Stat
c. 207.

(2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining the said railway.

(3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

15. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

Collecting
back charges
on goods.

16. The directors of the company, under the authority of the shareholders, to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other

Bonding
powers.

other

other securities to the extent of \$20,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent. per annum, as the directors may think proper;

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bond, debenture or other security shall be for a less sum than \$100.

(c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 has been actually expended on the work, or in the purchases authorized by clause 21 hereof.

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed, or purchased as aforesaid.

**Mortgage to
secure bonds.**

17. The company may secure such bonds, debentures or other securities, by mortgage deed creating such mortgages charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway,

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deeds, all and every the powers, rights and remedies granted by this Act in respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(c)

(c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid; nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect in priority according to the time of deposit, and shall form a lien and incumbrance upon any personal property or chattels therein embraced to all intents and purposes, as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Rev. Stat.
c. 148.

18. Until they have been surrendered and lawfully cancelled the bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company and the privileges acquired under this Act and the franchise, undertaking, tolls and income, rents and revenue, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section.

Enforcing
payment of
bonds.

(a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

19. Any lands or chattel property which may have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company, if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage, or by any of the Acts relating to the company in favour of the said bond-holders.

Reclaiming
lands, etc
no longer
required

20. The said company shall have power to agree for connections and making running arrangements with any railway company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in any

Agreements
for running
arrangements,
etc., with
other com-
panies.

of

of the municipalities mentioned in section 2 of this Act if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement or agreements with the said companies, or any of them, if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any motors, carriages or cars or any of them or any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the agreement and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any municipality or municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railway, or any section or branch thereof, provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to acquire property and franchises of other companies, etc.

21. The said company shall have power to acquire by purchase, lease, agreement or otherwise the railways and the lands, property, plant, material, works, rights, privileges and franchises belonging thereto or now or formerly used or enjoyed by any person or company in the municipalities in which it is hereby authorized to construct and operate its line of railway or any part or portion thereof upon such terms as may be agreed on, and to improve, maintain and operate the same, and may pay for the same by the issue and transfer of the stock of the company hereby incorporated, or the bonds, debentures or other securities of the same, if the arrangements and agreements therefor shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general

general meeting to be called for that purpose, but nothing in this Act contained shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

22. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Level crossings.

23. The said railway shall be commenced within three years and completed within five years from the passing of this Act.

Time for commencement and completion.

24. The several clauses of *The Electric Railway Act*, except clauses 18 and 43 and every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act; and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act, except clauses 18 and 43, and every Act in amendment thereof so incorporated with this Act.

Application of Rev. Stat. c. 209.

25. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council, or any Special Committee of the Executive Council of Ontario appointed for that purpose, may from time to time order.

Powers subject to general regulations.

26. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Exclusive franchises not to be given for transmitting electricity.

CHAPTER 92.

An Act to incorporate The Petrolea Rapid Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS Gill R. Lovejoy, of the Town of Lennox, in the State of Michigan, one of the United States of America ; Samuel A. Armstrong, of the Town of Sarnia, in the County of Lambton ; John Harrold, of the Township of Moore, in the said County of Lambton ; John Clysdale, of the same place, and Thomas J. Gordon, of the Town of Sarnia aforesaid, have by their petition prayed for an Act of Incorporation under the name of The Petrolea Rapid Railway Company for the purpose of constructing, equipping and operating a railway with electric power, both for the purposes of said railway and all other purposes, beginning at some point in or near the Town of Sarnia, in the County of Lambton ; from thence through the Sarnia Indian Reservation and the Township of Moore, to, in and through the unincorporated Village of Courtright from the unincorporated Village of Corunna, in the said Township of Moore, easterly through the said Township of Moore and the Township of Enniskillen, to, in and through the Town of Petrolea, in the said County of Lambton ; from thence through the said Township of Enniskillen, the Township of Dawn and Gore of Camden to, in and through the Town of Dresden, in the County of Kent ; from Dawn Centre, in the said Township of Dawn, through the said Township of Dawn to, in and through the unincorporated Village of Florence ; from thence south through the Township of Zone and Camden to, in and through the Village of Thamesville, in the said County of Kent, with a branch in the said Township of Moore extending south to, in and through the unincorporated Village of Brigden, in the said Township of Moore, and a branch from the said Town of Petrolea extending north to some point in the said Township of Enniskillen, and for all other powers necessary for the purpose, and ratifying and confirming a certain by-law of the Town of Petrolea, intituled "A by-law to authorize and empower the Petrolea Rapid Railway Company to locate and operate a single iron or steel railway for the passage of cars, carriages or other vehicles upon and along certain streets and highways in the Town of Petrolea, and to declare and prescribe the terms and conditions on which such railway may be constructed, maintained and operated"; and whereas it is expedient to grant the prayer of the said petition ;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Gill R. Lovejoy, Samuel A. Armstrong, John Harrold, John Clysdale and Thomas J. Gordon, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Petrolea Rapid Railway Company" hereinafter called "the company."

2. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, operate, alter and keep in repair iron or steel railways to be operated by electricity or compressed air or other motive power to be approved of by the Commissioner of Public Works, except steam, with double or single iron or steel tracks, from a point in or near the Town of Sarnia in the County of Lambton; from thence through the Sarnia Indian reservation and the Township of Moore to, in and through the unincorporated Village of Courtright from the unincorporated Village of Corunna in the said Township of Moore easterly through the said Township of Moore and the Township of Enniskillen to, in and through the Town of Petrolea in the said County of Lambton; from thence through the said Township of Enniskillen, the Township of Dawn and Gore of Camden to, in and through the Town of Dresden in the County of Kent; from Dawn centre in the said Township of Dawn through the said Township of Dawn to, in and through the unincorporated Village of Florence; from thence south through the Township of Zone and Camden to, in and through the Village of Thamesville in the said County of Kent, with a branch in the said Township of Moore extending south to, in and through the unincorporated Village of Brigden in the said Township of Moore, and a branch from the said Town of Petrolea extending north to some point in the said Township of Enniskillen, and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by by-law of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreement between the company and the councils of any of the said corporations and between the company and the road companies, if any, interested in such highways and between the company and the Superintendent of Indians, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act* and any Act or Acts amending the same, and may also make and enter into any agreement with the Superintendent-General of Indian Affairs as to the terms of occupancy

Location of line.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

occupancy of any street or highway in or through the Sarnia Indian reservation.

Capital stock. 3. The capital stock of the company shall be \$300,000 to be divided into 3,000 shares of \$100 each.

First meeting for election of directors. 4. The said Gill R. Lovejoy, Samuel A. Armstrong, John Harrold, John Clysdale and Thomas J. Gordon, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of provisional directors. 5. All meetings of the provisional board of directors of the said company shall be held at the Town of Sarnia in the County of Lambton.

Number of directors. 6. The number of directors shall not be less than five or more than nine.

Date of annual meetings. 7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

Capital stock appropriated to branches. 8. The capital stock of the said company shall be applied and appropriated towards construction of the said railway in the following manner:—

1. \$54,000 to the section or branch from Sarnia to Courtright.
2. \$77,500 to the section or branch from Corunna to Petrolea.
3. \$77,500 to the section or branch from Petrolea to Florence.
4. \$27,000 to the section or branch from Florence to Thamesville.
5. \$27,000 to the section or branch from Dawn Centre to Dresden.
6. \$13,500 to the section or branch from Petrolea to Marthaville.
7. \$23,500 to the section or branch from Brigden Junction to Brigden.

when and so soon as twenty-five per cent. of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per cent. of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at which meeting the shareholders who have paid at least ten per cent. of the amount subscribed for by them shall from the shareholders elect not less than

five.

five nor more than nine persons to be directors of the said company.

9. The head office of the said company shall be at the Head office.
Town of Sarnia in the County of Lambton.

10. The directors of the company may from time to time Calls.
make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

11. The directors of the company shall have power to issue Bonding powers.
bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section.

12. Aliens and companies incorporated abroad, as well as Rights of aliens.
British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

13. The company may secure the bonds, debentures or other Securing bonds by mortgage.
securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company present or future or both, as are described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the
office

office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Incorporation
of sec. 22,
Rev. Stat. 191.

14. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock and being section 22 of said Act and the amendments thereto are hereby incorporated in and made part of this Act.

Construction
of line by
sections.

15. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement

Rev. Stat.,
c. 209.

ment of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Directors empowered to pay in stock.

17. The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

Special rates for fruit, milk, etc.

18. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collecting back charges on goods.

19. The said company shall have power to agree for connections and making running arrangements with The Sarnia Street Railway, Limited, The Erie and Huron Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter

Agreements for connection, etc., with other companies.

into

into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Agreement
with other
companies.

20. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Exemptions
from municipi-
pal assessment

21. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the said company passes or in which it is situate by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal

municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

22. Notwithstanding any provisions to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada. Level crossings.

23. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof. Forms of conveyance of lands to company.

24. The directors are hereby authorized to pay out of moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works thereby authorized. Expenses of Act.

25. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality. Limitation of transmission powers.

26. The undertaking hereby authorized shall be commenced within three years and put into operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Time for commencement and completion.

27. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act. Incorporation Rev. Stat. c. 209.

By-law 649
of Petrolea
confirmed.

28. By-law No. 649 of the Municipal Corporation of the Town of Petrolea, set forth in Schedule B to this Act, except that part of section 26 which authorizes the operation of cars carrying milk on Sunday, is, subject to compliance by the company with the terms of paragraph numbered 36 thereof, hereby confirmed and declared, legal, valid and binding upon the said municipal corporation notwithstanding any want of jurisdiction on the part of the municipality to pass the same.

Agreements
with other
companies to
be subject to
regulations.

29. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general Act or any special Act or Acts respecting either of the contracting companies and which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any special committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

SCHEDULE A.

. Know all men by these presents that I (or we), (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Petrolea Rapid Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Petrolea Rapid Railway Company, their successors and assigns forever, (*here insert any other clauses, covenants and conditions required,*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seals (*or hands and seals*) this day of one thousand nine hundred and

Signed, sealed and delivered in the presence of

[L.S.]

SCHEDULE B.

BY-LAW No. 649.

A By-law to authorize and empower "The Petrolea Rapid Railway Company" to locate and operate a single iron or steel railway for the passage of cars, carriages, and other vehicles, upon and along certain streets and highways in the Town of Petrolea, and to declare and prescribe the terms and conditions on which its railway may be constructed, maintained and operated.

Whereas Gil R. Lovejoy, of the Town of Lennox, in the State of Michigan, one of the United States of America, John Harold, of the Township of Moore, in the County of Lambton, John Clydesdale, of the same place, and Samuel Allan Armstrong of the Town of Sarnia, in the said County of Lambton, trustees for the proposed "Petrolea Rapid Railway Company," (hereinafter called the Company) have made application to the Municipal Council of the Corporation of the Town of Petrolea for the sole right and privilege of constructing, maintaining, completing and operating, and from time to time removing and changing as required, a single iron or steel railway, with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, over, upon and along those portions of the streets and highways of the Town of Petrolea hereinafter set forth :

And whereas the said Gil R. Lovejoy, John Harold, John Clydesdale and Samuel Allan Armstrong, or such other parties as may hereafter become associated with them, will make application to the Legislative Assembly for the Province of Ontario for an Act of incorporation under the provisions of *The Electric Railway Act* empowering the said "The Petrolea Rapid Railway Company," to so construct, maintain, complete and operate such railway.

And whereas the said parties will apply to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law ;

And whereas it is deemed expedient to grant such privileges, with the limitations and subject to the conditions and provisos hereinafter set forth ;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Petrolea :

1. That "The Petrolea Rapid Railway Company," its successors and assigns, subject to the conditions, limitations and provisions hereinafter contained, are hereby granted the right to lay out, construct, make, alter and keep in repair, a single iron or steel railway, to be operated by electricity or by any other motive power, except steam, which is or may become suitable for railway purposes, with single iron or steel tracks, with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to construct conduits under, and erect poles and wires on or over and along and upon the following streets in the said Town of Petrolea :

(a) Petrolea Street, commencing at its intersection with the westerly limit of the Town of Petrolea, to its intersection with the easterly limit of the said Town of Petrolea ;

(b) Eureka Street, commencing at its intersection with Petrolea Street, and running north to its intersection with the Blind Line ;

(c) What is known as the County Road, from its intersection with the northerly limit of the Town of Petrolea, to its intersection with the southerly limit of the said Town of Petrolea ;

(d) The Blind Line between concessions 11 and 12, commencing at its intersection with Eureka Street, thence westerly to its intersection with

with the said road between lots 9 and 10, so far as the Town of Petrolea has jurisdiction over the same :

Provided, however, that during the construction of the railway the company shall have the privilege of using steam as a motive power ;

2. The company may carry freight and baggage, and charge a reasonable compensation for carrying the same.

3. The company shall have the right to lease their works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation ; but all the terms of this by-law shall be binding upon any such person or corporation to whom said works or any part thereof, may be leased, and such person or corporation shall take subject to the terms and provisions hereof.

4. The tracks of the said railway shall be laid as nearly as practicable in the centre of the said streets, excepting the Blind Line, on which said street the track may be laid on either side of the highway, with the approval of the " board of works," and excepting also that part of Petrolea street known as the flats, as to which the track shall be laid where directed by the board of works.

5. The line or track shall conform to the grade of the streets, and shall not change or alter without the consent of the council.

6. The poles to be used for the wires shall be of cedar or iron, straight and perpendicular, and of uniform size, and shall be dressed and painted throughout, and all such poles shall be placed on the sides of the street in such manner to obstruct as little as possible the use of the streets for other purposes : Provided, however, that the provision for painting and dressing the poles shall not apply to streets lettered " C " and " D."

7. The rails to be used in the streets in the said corporation shall be the standard " T " rail, and shall be laid in such a manner as shall least obstruct the free passage of vehicles and carriages over the same.

8. The gauge of the said railway shall be four feet eight and one-half inches.

9. The tracks of the said railway, all the works necessary for constructing and laying the same, shall be constructed in a substantial manner, according to the best modern practice.

10. The company shall construct and maintain in good repair, crossings similar to those for the time being in use by the said corporation on the said streets at the various places of intersection of the track of the said railway with any street which the same shall cross to the extent of the width of the track and eighteen (18) inches on each side thereof.

11. During the operation of laying, removing, or relaying the rails, a free passage for carriages and vehicles shall be kept open and unobstructed, and immediately after the rails shall have been laid or relaid as the case may be, the street material, removed or dug up in laying or relaying the rails as aforesaid, shall be replaced in a good substantial manner as before such removal, and the surface of the street shall be made flush with the rails.

12. No portion of the surface of the street shall be kept dug up or disturbed for a greater period than thirty days, and all surplus street material shall be carefully removed by the said company or spread over the streets as may be directed by the board of works.

13. The said railway must be laid down and maintained subject to the rights of the corporation to dig up the streets traversed by the said railway, either for the purpose of repairing said streets, altering the grades thereof, constructing or repairing of drains, sewers or culverts, laying down or repairing gas or water pipes, and for any other purposes for the time being within the powers of the corporation, and whenever the public or private convenience may require, and in case any such works or repairs necessitate the temporary removal of any part of the railway track or any other portion of the works of the company, the corporation, its servants, agents and workmen may, at the expense of the corporation, remove such

part of the track or other works of the company without incurring any liability whatever to the company therefor, but the corporation shall use due diligence in making and doing all such works and repairs and shall replace the railway track or any other part of the works of the company and leave it in as good condition as before.

14. Whenever it shall become necessary by this corporation to pave any street occupied by the railway track of the company that portion of the street embraced between the rails of such tracks, switches and turnouts and eighteen inches on each side of the track shall, in the first instance, be paved by and at the expense of said corporation, but thereafter, during the continuance of this grant, the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs of the railway, the company shall repair or replace the pavement, all such repairs to be to the satisfaction of the board of words.

15. The space between the rails, and to the extent to eighteen inches on either side, shall be filled in and maintained by the said company with the same class of material as the remainder of the highway over which the said railway shall be built, to the satisfaction of the town engineer, but such filling in shall be done in such a way as to leave the space between the rails on the same level as the balance of the roadway.

16. Whenever it shall be necessary to remove any snow or ice from the tracks, switches or turnouts of said railway, the same shall be removed by the said company and spread in such manner as not to obstruct a free passage of sleighs or other vehicles along and across such street, and if such snow or ice shall not be removed within twenty-four hours of receipt of notice in writing from the clerk of the Town of Petrolea to be given to any officer of the company, it may then be removed or evenly spread by the corporation, who shall be entitled to collect from the company the cost of such work. The use of salt for the purpose of removing snow or ice from any of the said tracks is hereby prohibited, excepting where it may be required for removing snow or ice from any switch-points, frogs, wing-rails, guard-rails or signals.

17. Whenever, by reason of snow or ice, the tracks of the said company shall be obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as said cars can be again used, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

18. The rate of speed of the cars within the Town of Petrolea shall not exceed twelve miles an hour, and when the cars of the company are turning a crossing from one street to another the same shall not be driven at a rate faster than four miles an hour.

19. No cars shall be allowed to stop on a crossing or in front of an intersecting street, except to avoid collision or to prevent injury to persons in the street or for other good cause, nor shall any car be left on or remain standing on any street at any time, unless the same is being used and waiting for passengers.

20. After sunset the cars shall be provided with colored signal lights for the front and rear, and a bright headlight on every motor car, and each motor car shall have a gong attached to it, which shall be kept ringing at all times when approaching a crossing or when necessary to give warning. There shall be not less than two men in charge of each motor car and an additional man in charge of each trailer.

21. It shall and may be lawful to and for all and every person and persons whatever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the company running thereon.

22. The cars shall be entitled to the track, and every vehicle upon the track

track of the company shall turn out when any car comes up, so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car shall be liable to a fine not exceeding (\$10.00) Ten Dollars, exclusive of costs, to be imposed by any Justice of the Peace for the County of Lambton, having jurisdiction in the said Town of Petrolea, and in case of non-payment to be collected by distress and sale of the goods of the offender, and in default of sufficient distress, the offender may be imprisoned in the common gaol in the County of Lambton for a period not exceeding twenty-one days, with or without hard labor.

23. The said company shall commence the construction of the said railway not later than two years from the date hereof and shall complete the same by December the 31st, 1904; except in case of delays by strikes, legal or other proceedings beyond their control, in which event the time in which the said company is delayed shall be allowed beyond the time herein specified, provided, however, that the time for completion of certain sections of the said railway may be extended by the corporation upon good cause for such extension being shown, but in no case shall such extension exceed one year.

24. The company may charge and collect from any person entering any of their cars for a continuous journey of any distance on their railway from any point thereon to any other point thereon within the limits of the Town of Petrolea as now existing or hereafter extended, a sum not exceeding five cents, except for children under five years of age, accompanied by parent or other person having them in charge, such children to travel free, and shall sell tickets at the price of twenty-five (25) cents for six tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid between the hours of six o'clock in the morning and eleven o'clock in the evening, and shall also carry children between the ages of five and twelve years for a car fare of three cents; provided the said company shall have the right to charge double the said fares between eleven o'clock in the evening and six o'clock in the morning.

25. Any conductor or other employee who shall collect of any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the police court, pay a fine of not less than five dollars for each offence.

26. The company shall have the privilege of running their cars for the purpose of carrying passengers through the Town of Petrolea daily, except Sunday, and in the event of the said company seeing fit to run cars for carrying milk, the said cars may be operated on Sundays for that purpose, and a reasonable compensation charged therefor.

27. The number of trips shall not be less than one each way hourly between the hours of 6 a.m. and 9 p.m. daily, except Sundays, unless prevented by unavoidable accident or obstructions caused by storms.

28. The rights and privileges granted by these by-laws shall extend for a period of thirty years from the date of its acceptance by the said company, and shall be renewable for a further period of 20 years upon such terms and conditions as may be agreed upon between the said corporation and the said company, or in case of disagreement between the said parties, upon such terms and conditions as may be determined by arbitration, under the provisions of *The Municipal Act*, and in the event of legislation being sought to legalize or authorize such renewal or renewals for such further term of years, the said corporation shall, at once, on request being made by the said company aid in procuring such legislation, provided the terms and conditions upon which such renewal is asked for are satisfactory to the corporation.

29. All the property of the said company used in connection with the construction and operation of the railway and other objects covered by this by-law and appertaining thereto, and the said income derived therefrom by the company shall be exempt from taxation and from all local improvement rates and charges for a period of twenty-one years from the date of its acceptance by the said company, and as far as the said Town of Petrolea has the power to grant the same or to recommend the same, such exemption

exemption shall continue and be for the further period of ten years, and the said town shall consent to any necessary legislation in that behalf; provided, however, that this exemption shall not apply to school rates.

30. The corporation shall join with the company in any petition or application which the said company may make to obtain the privilege of crossing the railway track of any steam railway which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense therewith.

31. It is hereby expressly declared that the corporation of the Town of Petrolea shall not be held liable to the said company for any damage the said company may incur or sustain from the breakage of any sewer or water pipes or for any delay that may be caused by the construction of sewers, the laying of water pipes or the necessary repairing of same or from any other delay or damage that may be caused by freshets, fire or otherwise, or from repairs, changes or improvements in the streets.

32. All rights that are now, or that may hereafter be vested in the corporation or in any gas company, telephone, telegraph, electric light or other company, in respect of the care or improvement of the street, the construction of sewers, culverts or drains, and the laying of water or gas pipes therein, or the placing of poles or wires, are not in any way to be effected or impaired by any privilege that may be granted to the said company, but the said railway must be laid down and maintained subject to the rights of the said corporation and the said companies to take up, alter, repair or remove sewer, water and gas pipes, and to place poles and wires, and subject to all other purposes within the province and privilege of the said corporation, without claim for damages against the said corporation or any of said companies, and the said corporation expressly reserves the right thereafter to lay down or permit to be laid down in the said streets gas or water pipes or sewers, and place or permit the placing of poles and wires; and to alter, improve or repair the said street whenever the public or private convenience may require.

33. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of the company, their servants or agents, in the construction, management or use of the railway, and the said company shall indemnify and hold the said Corporation of the Town of Petrolea harmless from any damage that may be claimed by property holders or by any person or persons, on account of the laying of their tracks or the use thereof, or the running of cars thereon, and shall indemnify the said corporation against all damages, actions, costs and expense they may incur or be put to by reason of any danger or injury from any electric system adopted by the company. The remedies to the corporation herein provided are in addition to and not in substitution for any remedies or relief over under any statute.

34. No part of said railway within the town limits shall be open to the public or put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the town engineer, or other officer especially appointed by the said council for that purpose, declaring the said railway to be in good condition and constructed conformably to the conditions prescribed by this by-law in that behalf.

35. In the event of any other company proposing to construct a railway or railways on any of the highways not occupied by the company, or not herein specifically named, or not within the area as to which the company has herewith exclusive rights subject to the conditions hereto, the matter of the proposal shall be notified to the company, and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or on the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within six months after such notification, or, if the same having been accepted the company shall not proceed

to complete the necessary works immediately after the expiration of said term of six months from the date of service of said notice, the corporation may grant the privilege to any other company, and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other highways; provided always that nothing herein contained shall be taken to bind the corporation to grant to the company, or anyone else, the right to construct a railway or railways upon any highways other than those specifically named; provided further, that the company shall construct and extend such new line beyond the town limits to such point or points as such other company propose to construct such road.

36. This by-law, and the powers and privileges hereby granted, shall not take effect or be binding on the said corporation unless and until formally accepted by the said company within sixty days after its incorporation by an agreement that shall legally bind the said company to observe and comply with all the agreements, obligations, terms and conditions herein contained.

37. The said company shall make application to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law; and the said corporation shall join in any petition or application to aid in so doing on a request being made, but without expense to the said corporation.

38. The said railway shall be known as and called The Petrolea Rapid Railway.

That the foregoing provisions of this by-law shall, if the same be assented to by the electors, come into effect from and after the final passing thereof.

That the votes of the qualified electors of said Town of Petrolea shall be taken on this by-law on Monday, the sixth day of January, A.D. 1902, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the undermentioned places.

(a) For polling sub-division number one at the old council chamber, and Mr. D. Trotter shall be deputy returning officer.

(b) For polling sub-division number two at the council chamber in Victoria Hall, and Mr John Sinclair shall be deputy returning officer.

(c) For polling sub-division number three at the fire hall, east end, and Mr. George F. Stone shall be deputy returning officer.

(d) For polling sub-division number four at residence of Alex. Robbins, Petrolea street, east end, and Mr. Alex. McDonald shall be deputy returning officer.

That Tuesday, the thirty-first day of December, A.D. 1901, at the council chamber in Victoria Hall aforesaid, at ten o'clock in the forenoon, is hereby fixed as the time when and the place where the mayor of said town shall attend to appoint in writing signed by himself, two persons to attend at the final summing up of the votes by the clerk of the said town and one person to attend at each of the said polling places on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

That the clerk of the said municipal corporation shall attend at the council chamber in Victoria Hall, Petrolea, at the hour of ten of the clock in the forenoon on Tuesday, the 7th day of January, A.D. 1902, to sum up the number of votes given for and against this by-law.

Provisionally passed this 9th day of December, 1901,

Finally passed this 13th day of January, 1902.

JOHN MCHATTIE,
Clerk.

JAS. W. MCCUTCHEON,
Mayor.

{ Corporate }
{ Seal }

CHAPTER 93.

An Act respecting the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited.

Assented to 17th March, 1902.

WHEREAS the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited, has by petition prayed that an Act may be passed authorizing it to lease or sell its undertakings, rights, franchises, lines, assets and properties, real and personal, to the Niagara, St. Catharines and Toronto Railway Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited, may transfer by agreement of lease or sale, on such terms as may be agreed on with the Niagara, St. Catharines and Toronto Railway Company, its undertakings, rights, franchises, lines, assets and properties, real and personal, but no such agreement shall prejudice or affect the rights of creditors or persons having claims against or contracts with the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited, and such agreement shall be subject to the rights, positions and powers of any municipal corporation under any statute, by-law, agreement or otherwise and every such claim and contract, and all such rights, positions and powers may be exercised and enforced as against and with respect to the Niagara, St. Catharines and Toronto Railway Company and the undertakings, rights, franchises, lines, assets and properties so transferred to it, in the same manner and to the same extent and as fully as the same could or might be exercised and enforced as against and with respect to the Port Dalhousie, St. Catharines and Thorold Electric Street Railway Company, Limited, and its undertakings, rights, franchises, lines, assets and properties. But nothing herein contained shall be construed as purporting or intending to confer rights or powers beyond the legislative authority of the Province of Ontario.

Transfer to
Niagara, St.
Catharines
and Toronto
Ry. Co. au-
thorized.

2 No agreement made under the authority of this Act shall be binding or shall be acted on unless and until it is approved of

Approval of
agreement by
shareholders.

by a vote of shareholders of each of the companies parties thereto holding at least two-thirds of the shares of the capital stock of such company represented in person or by proxy at a special meeting of the shareholders of the company called for considering such agreement, but upon such approval being given by the shareholders of each company the said agreement shall be valid and binding according to its terms and may be acted upon and carried out.

Lord's Day
Observance
laws not to be
affected.

3. Any lease or sale authorized by this Act shall be without prejudice to the laws of Ontario heretofore or hereafter enacted respecting the observance of the Lord's Day.

CHAPTER 94.

An Act respecting The Sandwich, Windsor and Amherstburg Railway.

Assented to 17th March, 1902.

WHEREAS the Sandwich, Windsor and Amherstburg Railway hereinafter called the Company, has been incorporated and operates its line of railway under an Act of the Legislative Assembly of the Province of Ontario, being chapter 64 of the Acts passed in the 35th year of the reign of Her late Majesty Queen Victoria, as amended by chapter 64 of the Acts passed in the 37th year of the said reign, chapter 80 of the Acts passed in the 50th year of the said reign, chapter 94 of the Acts passed in the 54th year of the said reign, chapter 97 of the Acts passed in the 56th year of the said reign and chapter 62 of the Acts passed in the 61st year of the said reign; and whereas the company has constructed its railway as authorized by the said Acts in the Town of Walkerville and in the City of Windsor, thence to the Town of Sandwich, passing through a portion of the Township of Sandwich West, thence to a point known as Ojibwa in the said Township of Sandwich West and about three miles from the Town of Sandwich, making in all 13 miles of railway already constructed; and whereas the company has in addition to the railway already constructed heretofore been authorized to construct a line of railway to the Town of Amherstburg in a westerly direction from the said point in the said Township of Sandwich West, known as Ojibwa, to a point in the Town of Amherstburg and easterly from the said Town of Walkerville to a point on Pilette Road in the Township of Sandwich East, amounting in all to about 15 miles of railway to be constructed; and whereas the time limited within which to complete the same has expired; and whereas by reason of the said proposed railway crossing Turkey Creek, Canard River and other water-courses, as well as crossing the tracks of the Canada Southern Railway Company, and other difficulties of construction it is necessary that the bonding powers of the company be increased; and whereas the South Essex Electric Railway Company being a company incorporated under an Act passed by the Legislative Assembly of the Province of Ontario being chaptered 109 of the Acts passed in the 59th year of the reign of Her late Majesty Queen Victoria, which Act has been amended by chapter 95 of the Acts passed in the 60th year of the said reign and chapter 89 passed in the 1st year of His Majesty's reign, has acquired certain rights and franchises

Preamble.

chises which the company is desirous of acquiring; and whereas the company by its petition has prayed that the time limited for constructing and completing its lines of railway be extended and has further prayed that its bonding powers be increased to an amount not exceeding \$600,000, and has further prayed that it may be empowered to acquire by purchase or lease the rights, franchises and agreements of the South Essex Electric Railway Company; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Completion of
line author-
ized.

1. The Company is hereby authorized to construct, complete, maintain and operate so much of the lines of railway heretofore authorized as have not already been constructed, namely, from the said point in the Township of Sandwich West, known as Ojibwa, to a point in the Town of Amherstburg, and from a point in its present line of railway in the Town of Walkerville to a point on the Pilette Road in the Township of Sandwich East, provided, however, that the construction thereof shall be commenced within one year and completed within two years after the passing of this Act.

56 V. c. 97, s.
7, amended.

2. Section 7 of chapter 97 of the Acts passed in the fifty-sixth year of the reign of Her late Majesty Queen Victoria intituled *An Act to amend the Acts relating to the Sandwich, Windsor and Amherstburg Railway*, is amended by striking out the figures \$250,000 in the 5th line of said section and substituting the figures \$600,000.

Transfer by
South Essex
Electric Ry.
Co. author-
ized.

3. The South Essex Electric Railway Company may transfer by agreement of lease or sale on such terms as may be agreed on with the Sandwich, Windsor and Amherstburg Railway, its undertakings, rights, franchises, lines, assets and properties, real and personal, but no such agreement shall affect the rights of creditors or persons having claims against or contracts with the South Essex Electric Railway Company; and such agreement shall be subject to the rights, positions and powers of any municipal corporation under any statute, by-law, agreement or otherwise, and every such claim and contract and all such rights, positions and powers may be exercised and enforced as against and with respect to the Sandwich, Windsor and Amherstburg Railway and the undertakings, rights, franchises, lines, assets and properties so transferred to it in the same manner and to the same extent and as fully as the same could or might be exercised and enforced as against and with respect to the South Essex Electric Railway Company and its undertakings, rights, franchises, lines, assets and powers. But nothing herein contained shall be construed as purporting or intending to confer rights or powers beyond the legislative authority of the Province of Ontario.

4. No agreement made under the authority of this Act shall be binding or shall be acted on unless and until it is approved of by a vote of shareholders of each of the companies parties thereto holding at least two-thirds of the shares of the capital stock of such company represented in person or by proxy at a special meeting of the shareholders of the company called for considering such agreement, but upon such approval being given by the shareholders of each company the said agreement shall be valid and binding according to its terms and may be acted upon and carried out.

Agreement
not to be
binding until
approved by
vote of share-
holders.

CHAPTER 95.

An Act respecting the Sarnia Street Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Sarnia Street Railway Company was incorporated by an Act of the Ontario Legislature passed in the 37th year of the reign of Her late Majesty Queen Victoria, chaptered 61, and was by the said Act authorized and empowered to construct, maintain, complete and operate a double or single iron railway for the passage of cars, carriages or other vehicles adapted to the same, upon and along the streets and highways within the jurisdiction of the Corporation of the Town of Sarnia and the adjoining municipalities, subject to an agreement thereafter to be made between the council of the said town and of the said adjoining municipalities; and whereas the Corporation of the Village of Point Edward is an adjoining municipality within the meaning of the said Act; and whereas, under by-law number 544 of the Corporation of the Town of Sarnia, dated the eighth day of April, 1901, and a certain agreement made in pursuance thereof between the said company and the said Corporation of the Town of Sarnia bearing date the 10th day of April, 1901, certain powers were conferred upon the said company respecting the construction and operation of their railway upon certain streets in the said town, and by the said by-law it was provided that the said company was to be at liberty to apply for an Act confirming the same; and whereas, under by-law number 184 of the Corporation of the Village of Point Edward, dated the 24th day of June, A. D. 1901, and a certain agreement made in pursuance thereof between the said company and the said Corporation of the Village of Point Edward, bearing date the third day of July, 1901, certain powers were conferred upon the said company respecting the construction and operation of their railway upon certain streets in the said village, and by the said by-law it was provided that the said company was to be at liberty to apply for an Act confirming the same; and whereas by petition the said company has prayed that the said by-laws and agreements may be confirmed; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
with

1. The agreement between the said company and the Corporation

poration of the Town of Sarnia and by-law number 544 therein referred to which are set out in Schedule A to this Act are confirmed and declared to be valid and effective in all respects; and it is further declared that under the said by-law and agreement the said company acquired and are entitled to the exclusive right to construct, maintain and operate, subject to the conditions, stipulations, regulations, obligations, provisions and agreements in the said by-law and agreement contained, a surface electric street railway on the streets and portions of streets mentioned in the said by-law.

Town confirmed.

2. The agreement between the said company and the Corporation of the Village of Point Edward and by-law number 184 therein referred to, which are set out in Schedule B to this Act, are hereby declared to be valid and effective in all respects, and it is hereby declared that under the said by-law and agreement the said company acquired and are entitled to the exclusive right to construct, maintain and operate, subject to the conditions, stipulations, regulations, obligations, provisions and agreements in the said by-law and agreement contained, a surface electric street railway on the streets and portions of streets mentioned in the said by-law.

Agreement with Point Edward confirmed.

3. Provided, however, and it is hereby declared that no further or greater power shall be deemed to be conferred by clause 46 of by-law No. 184 in the said Schedule B, than is conferred by clause 52 of the by-law numbered 544 in the said Schedule A; but, provided further, that nothing in this Act contained shall be deemed either to confer upon the said company the right to run or operate their cars on Sundays, or to deprive the said company of the right (if any) which by law the said company may now possess to run or operate their cars on Sundays.

Proviso.

Powers as to Sunday service not affected.

SCHEDULE A.

ARTICLES OF AGREEMENT made the tenth day of April, A.D. 1901, between the Corporation of the Town of Sarnia, hereinafter called the "Corporation," of the first part, and the Sarnia Street Railway Company, Limited, hereinafter called the "Company," of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the 24th day of March, A.D. 1874, entitled *An Act to Incorporate the Sarnia Street Railway Company*, it is, amongst other things, provided that the council of the said corporation and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers and the laying of gas and water pipes in said streets and highways, and the particular streets along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic;

And

And whereas the council of the corporation on the 8th day of April, 1901, passed a by-law numbered 544 granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain streets of the said Town of Sarnia upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained which said by-law is hereto annexed ;

And whereas these presents are intended to give effect to the said by-law, and the same have been approved of by the town solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say : That the company do hereby accept the said by-law, and that the company, their successors and assigns will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done, by or on behalf of the company, and will not do anything which the said by-law provides is not to be done by the company, and the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company, subject, however, to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the mayor and town clerk have set their hands, and the company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above-written.

Signed, sealed and delivered in
the presence of :

(Sgd) J. T. FULLER,	(Sgd) WILLIAM LOGIE, Mayor.
As to signature by Wm. Logie	J. D. STEWART, Clerk. [Seal.]
and J. D. Stewart.	
(Sgd) EDWARD WRIGHT,	J. D. BEATTY, President.
As to signature of J. D. Beatty	H. W. MILLS, Secretary. [Seal.]
and H. W. Mills.	

BY-LAW No. 544.

Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61 of 37 Victoria, entitled "*An Act to incorporate the Sarnia Street Railway Company*," by which the said company, hereinafter called "the company," is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks; switches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia (hereinafter called "the corporation") as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said town and the said company in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals, or such other power as the company may be authorized by the council of said town by by-law to use, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

And whereas the corporation and the company are by the said Act respectively authorized to make and enter into any agreements or covenants relating to, amongst other things, the construction of the said railway and the location thereof, and the particular streets along which the same shall be laid.

And whereas the corporation are by the said Act authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned and for the facilitating of the running of the company's cars and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas the council of the corporation by by-laws passed respectively on the 26th day of November, 1874, and the 27th day of April, 1892, conferred certain rights and privileges upon the company, subject to the conditions contained in such by-laws.

And whereas the company and the corporation desire that the company shall construct a surface electric street railway on the trolley system (in place of their present railway) on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that the said by-laws shall be consolidated and amended so that the same shall read as this by-law reads and that all portions of the said several by-laws inconsistent herewith shall be repealed.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Sarnia as follows :—

1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the term of thirty years from the first day of January, 1901, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track with the necessary side tracks, turnouts or switches for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets of the said Town of Sarnia mentioned in section two of this by-law, and upon and along such other streets of the said Town of Sarnia as the company may with the consent of the corporation, expressed by by-law, hereafter select, and to erect all necessary poles and wires, electric appliances and overhead construction along such streets for the completion of the railway on the trolley system, and to operate such railway by running cars thereon by means of electricity as the motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained, or that may from time to time be deemed necessary by the council for the protection of the citizens of said corporation.

2. The streets and parts of streets referred to in this by-law and to which the permission and authority hereby granted shall extend, subject to the conditions and provisions in this by-law contained are :—

(a) From the tunnel station yard to Russell street, Russell street from the tunnel station yard to the Plank Road, the Plank Road from Russell street to Wellington street, Wellington street from the Plank Road to Front street, Front street from Wellington street to a point on Front street 10 rods north of Russell's lane.

George street from Front street to Christina street, Christina street from George street to Exmouth street, Exmouth street from Christina street to Bay View Park.

(b) Lochiel street from Front street to Christina street, Christina street from Lochiel street to George street, Green Street from Russell street to Palmerston street, Palmerston street from Green street to Campbell street, Campbell street from Palmerston street to Russell street.

(c) Christina street from Wellington street to Devine street, Devine street from Christina street to Brock or John street, Brock or John street from Devine street to Confederation street, Confederation street from Brock or John street to Russell street.

3. The construction of the said surface street railway on the streets mentioned in section (a) of clause 2 hereof shall be continued from the date of the final passing hereof and shall be completed and the cars running efficiently thereon by the 1st day of August, 1901.

The construction of the said surface street railway on the streets mentioned in section (b) of clause 2 hereof may, at the option of the company, be commenced and completed without unnecessary delay at any time during the three years next succeeding the first day of January,

1901.

1901, and in the event of such street railway not being constructed and in operation on the said portions of said streets set out in section (b) of clause 2 hereof within said last mentioned time, then the rights granted the said company under this by-law shall absolutely cease, determine and be forfeited and void in so far as they extend to any portions of said last mentioned streets upon which the company have not then constructed and are operating its railway.

The construction of the line of surface street railway mentioned in section (c) of clause 2 hereof shall be completed within two years from the first day of January last and should the last mentioned line not be completed within said last mentioned time, the said company shall pay to the corporation annually thereafter on the first day of January in each year, the first payment to be made on the first day of January, 1904, the sum of one hundred and fifty dollars as and for part consideration for the franchises hereby granted and as and for liquidated damages, the franchises hereby granted to the company being granted partly in consideration of the building and operating an electric railway on parts of streets mentioned in section (c) of clause 2 hereof, until the said line shall be completed; but upon the completion of the said line the said payments shall cease and in the event of said street railway not being constructed and in operation on said last mentioned line within two years from the first day of January last, then the said corporation shall have the right at any time to declare the rights and franchises hereby granted in respect to streets mentioned in section (c) forfeited, whereupon the same shall immediately cease and be determined and void and the said corporation shall have the like right to grant franchises to other companies or individuals on the streets mentioned in section (c) of clause 2 of this By-law, that it has in respect to other streets in the town not specified herein, but should another railway be constructed thereon, then said annual payment shall cease and be determined.

4. The tracks of the said company and all work necessary for constructing and laying the same shall be built and made in a substantial manner and the streets in which any work is done by the company shall by and at the expense of the company be left in as good state and condition when the rails are laid and other necessary work of the company is done as they were at the time they were broken up, opened or interfered with by the company, such work to be done to the satisfaction of the board of works.

5. The said railway shall be of the gauge of four feet eight and one-half inches, and the rails shall be laid, kept and maintained flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same.

6. The said railway shall, unless otherwise directed, by by-law of the council of the corporation passed before the construction of said railway and except where the tracks of the company as at present laid are not in the centre of the streets, be laid in the centre of the street and where turnouts shall be used, so that the inside rail of each track shall be within two feet of the centre line of the street and the location of the road where now laid shall remain as it is.

7. The tracks shall conform to the grades of the several streets upon and along which the same shall be laid, as the same now are and shall hereafter be established prior to the construction of the road and shall not in any way alter or change the same or vary therefrom and for the purposes of this by-law the corporation shall on request of the company determine the grades of the streets to be used by the company so that the company may know the grade to which their tracks are required to conform.

8. Wherever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where Y's, turnouts, switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the switches, side tracks, Y's, and turnouts and between the tracks and the switches, and between the tracks and the turnouts and eighteen

inches outside of the outer rails of such Y's, turnouts, switches and side tracks, and where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.

9. The track allowance shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof by and at the expense of the company when and as the company construct their railway under the provisions of this by-law and the company will at all points where the line of railway is intersected by streets crossing the same and where the track allowance is not paved, construct and maintain over the said track allowance plank or other similarly substantial and suitable crossings for teams, such crossings to be of the width required by the board of works, and until the said corporation has a population of twenty thousand (20,000) people as estimated by the record taken by the town assessor, the said company shall pay all extra costs of paving, repaving, macadamizing re-macadamizing, gravelling or regravelling and maintenance of said track allowances occasioned by the construction, operation or existence of said street railway track or works, such extra costs to be determined in case of dispute by the town engineer without appeal from his decision, such decision to be absolutely final, and after the said corporation shall have a population of 20,000 people then in addition to paying the extra cost of paving, macadamizing or gravelling the said track allowances, such track allowances shall be repaved, remacadamized and wholly maintained and kept in repair to the satisfaction of the board of works for the time being, by and at the expense of the company, the company furnishing the materials for so doing, such materials to be of the same kind as are used for the making or repairing of the adjoining portions of the street. And in default of the company so doing then the said corporation shall be at liberty to do the work and supply the materials necessary for such paving, repaving, remacadamizing, regravelling and maintenance and recover the cost thereof from the company as and for liquidated damages.

10. Notwithstanding anything in this by-law contained the said company shall maintain and repair the said track allowances at their own expense so long as any horse cars are used on the same and shall upon the company ceasing to use the horse cars put the said track allowances in perfect state of repair, so that they shall then be in a perfect condition, and in all respects filled up solidly, even and flush with the top of the rail, and this provision applies to the portion of the said company's tracks now electrified, which notwithstanding any provision of this by-law shall be so repaired and put in perfect condition by the company.

11. Whenever the company break up, open or interfere with any street the same shall be restored by the company at their own expense to its previous condition and flush with the top of the rail and so kept flush until it has been fully settled, and with all practical speed, and not more than one block shall be opened up at one time in one continuous line.

12. The company shall in restoring the streets where the same have been broken up by the company use similar materials to that of which the roadway on the street is constructed.

13. While the rails are being laid or any of the works of the company are in course of construction or repair the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street from which the same shall be taken.

14. And it is hereby expressly declared that the corporation of the Town of Sarnia shall not be held liable to the said Street Railway Company for damage the said company may incur or sustain by the breakage of any sewer or water pipes or for any delay that may be caused by the construction of sewers, the laying of water and gas pipes or the necessary replacing of same or from any other delay or damage that may be caused by freshets, fire or otherwise.

15. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks, except for railway purposes, with horses, carriages, or other vehicles, loaded or not, when and so often as they

they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

16. The company shall indemnify and save harmless the corporation at all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to, or have to pay by reason of any impeachment of this by-law, or by the exercise by the company of their powers or any of them or by reason of neglect of the company in the execution of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair or by reason of the neglect or failure of the company in removing any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted or by reason of any negligence of the said company or by reason of any act, default or omission of the company or otherwise howsoever occasioned by the existence of the railway or by the company, unless such damages are occasioned by the default of the corporation in the non-repairing of such track allowances as are under this by-law as between the company and the corporation to be maintained by the corporation after notice, by the company to the corporation to repair the particular defect; and should the corporation pay or be put to any such loss, damages, costs, charges or expenses the company shall forthwith upon demand repay the same to the corporation.

17. The company shall by the use of guard wires or other sufficient means protect all the town fire alarm wires and all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway.

18. All rights that are now or that may hereafter be vested in the said town council in respect to the care and improvement of the streets, the construction of sewers, culverts, or drains and the laying of water or gas pipes therein, are in no way to be affected or impaired by any privilege that may be granted to the said company and the rights hereby granted to the said company are subject to the rights of the corporation to take up, alter, repair, or remove sewers, water and gas pipes and to lay down, or to permit to be laid down, in the Town of Sarnia, gas or water pipes or sewers and to alter or improve and repair said streets whenever they may deem it advisable so to do without being liable to the company for any damage whatever occasioned thereby to the company or its property, due notice of such intentions to be given to the company and reasonable despatch to be used in such repairs; and where it shall be necessary that the track of the company should be removed in order that the said works or any of them should be conveniently done, then such track shall be removed and replaced by the company and at its own expense.

19. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of their tracks.

20. The company shall place and continue on said railway good modern cars sufficient for the accommodation of the public on all lines.

21. The privileges granted by this by-law shall extend until the first day of January, 1931, but the corporation may, after giving at least one year's notice in writing prior to the expiration of thirty years from the first day of January last of their intentions so to do, assume at the expiration of the said thirty years from the first day of January last, the ownership of the said railway of the company so far as located within the limits of the said corporation, and all real and personal property used or employed in connection with the working thereof, upon payment of the value thereof, to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of the *Municipal Act* respecting arbitrations and references or any Act substituted therefor, or for the time being, dealing with the said matters.

22. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf and both the corporation and the company shall in every reasonable way facilitate said arbitration and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term of thirty years from the first day of January last, but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award, the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof real and personal necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made, or if not, on paying into court or to the company, such sum of money as a Judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations, and conditions as the said judge shall, by his order, direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby.

23. In determining such values regard shall be had to what is the fair and reasonable value of such property in the way in which it is being used and employed, and the net profits and dividends received therefrom yearly during the five years next preceding thirty years from the first day of January last or any fifth year thereafter.

24. In the event of the corporation not exercising at the expiration of the said period of thirty years from the first day of January, 1901, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter and so at the expiration of periods of five years reckoned from the expiration of the previous five years exercise such right upon giving not less than one year's previous notice in writing to the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this by-law, provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply *mutatis mutandis* in the same manner as if the corporation had exercised their rights at the expiration of the said period of thirty years, that is to say, on the first of January, 1931.

25. The company in changing their system and performing the other work provided for by this by-law and in maintaining and operating their railway will, so far as is practicable so to do, employ residents of the Town of Sarnia.

26. Cars running in the same direction, or in opposite directions on the same track, shall not approach each other within a distance of sixty feet except in cases of accident, or when it may be necessary to connect them together or at stations and turnouts.

27. No cars shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid collision or to prevent danger to persons in the streets or for other unavoidable reasons; and the said corporation shall have the right by by-law to fix the service necessary on the company's various lines, and to fix the maximum rate of speed that the motors and cars of the railway, or either of them, shall run at on any portion of the railway within the corporation, but so that the said rate of speed so fixed shall not be less than six miles per hour; but so that the services required shall not be oftener than a car each way every twenty minutes until the population of the corporation, estimated by the record taken by the town assessor, shall reach 12,000 inhabitants; but provided that in places where loop lines exist a car passing over one track on the loop line and returning on the other, or vice versa, shall constitute the running of a car each way.

28. It is hereby reserved to the municipal council of said corporation to make any further rules, regulations, orders and by-laws in relation to the construction, repair and operation of the said railroad as from time to time may be deemed necessary to protect the interests of the said town and

and the safety, welfare or accommodation of the public, but no such further rules, regulations, orders or by-laws shall be made which shall have the effect to impair the substantial rights of the company.

29. Whenever it shall be necessary to remove any snow or ice from the tracks of the said railway, the same shall be done by the company in such manner and so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along said streets or in crossing the same at or upon cross streets, and the company shall not use salt for the removal of ice or snow except upon switches and turnouts.

30. Whenever there shall occur a fall of snow which materially obstructs the tracks and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey the passengers over the company's road from day to day until the cars can be used on the track, and to charge fare for the carriage of passengers on such sleighs.

31. Except as in this clause is otherwise expressly provided the said company may charge and collect from every person on entering any of their cars or sleighs for riding any distance on their said road in the same continuous route within the town, between 6 a.m. and 11 p.m., a sum not exceeding five cents, and between 11 p.m. and 6 a.m. a sum not exceeding ten cents, except in both cases children under five accompanied by parents or other persons having them in charge, which said children may ride free.

Provided however the company shall sell six tickets for 25 cents, and provided also that the company shall sell for use on any day between 6 o'clock a.m. and 8 o'clock a.m., and between 5.30 p.m. and 7 o'clock p.m., twenty-eight tickets for one dollar, said last mentioned tickets to be not transferable; and provided also that railway employees shall be carried at a five cent rate between 11 p.m. and 6 a.m., and tickets therefor furnished by the company, which tickets shall not be transferable.

32. The said company may also charge a reasonable compensation for carrying packages and freight.

33. The conductors or drivers shall not allow ladies or children to leave the car while in motion.

34. The cars after sunset shall be provided with colored signal lights with different colors to indicate the different routes travelled, and each motor car shall have a gong attached to it which shall be rung when necessary to give warning.

35. The cars shall be entitled to the track, and any vehicle upon the track of the said company within a distance of fifty yards shall turn out so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the motor man or conductor of any car, or when warned by the ringing of a bell on any car, shall be liable to a penalty not exceeding \$10.00 and costs of prosecution on conviction before the mayor of the corporation, or before any other magistrate having jurisdiction; provided that if any person, persons or corporation shall have any cause to remove any building or other large substance they shall be allowed reasonable and sufficient time to remove the same without being liable to the penalty attached to this section; provided that such person or corporation shall first have obtained the consent in writing of the board of works for the said corporation, and shall have given the company twenty-four hours notice of such intention, and provided also that the party moving such building or other large substance shall pay the company all costs and damages which the company may incur, be at or be put to by reason of the breakage, cutting or moving or raising of their wires, or otherwise. This shall not apply to any person meeting with an accident on the track.

36. The said company shall keep tickets for sale at the rates herein provided at some place in the business portion of the corporation convenient for the people.

37. The company shall from time to time adopt and use fenders and other reasonable safeguards, subject to the approval of the corporation, against

against accidents and injury in the work and running of their railway.

38. The location of the line of the said railway on the said streets, and the position of the rails, switches and turnouts and other works thereon, shall be shown upon plans with figured dimensions showing the distance of all the company's works from the sidelines of the streets, and such plans shall be filed with the clerk of the corporation.

39. Should the company hereafter deem it advisable they may with the consent of the corporation expressed by by-law substitute compressed air or any other modern motive power for electricity on the trolley system, but so that the service shall be in no wise less efficient than under the electric motive power on the trolley system.

40. No new line or extension or additional track shall be built by the company on any of the streets of the Town of Sarnia not herein specifically mentioned, except under authority first obtained by by-law of the council of the corporation.

41. Where in case of fire the person in charge of the fire brigade or the portion thereof engaged at such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, or near the fire engines, hose or other appliances in use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.

42. The company may lay switches, loops, Y's or turnouts for the purpose of connecting their operating tracks with their power houses, car barns, storage sheds, yards or repair shops, or at railway stations or terminals, together with sidings to parks, exhibition grounds and factories under the direction of the board of works.

43. The company are exclusively authorized to construct, maintain and operate, subject to the conditions and agreements in this by-law contained, a surface street railway with electricity on the trolley system as the motive power, or with such other modern motive power not less efficient than electricity on the trolley system, which is approved of by the said corporation as aforesaid, as the said company may see fit to adopt on the streets and portions of streets mentioned in section two hereof.

44. In the event of any person, persons, firm or corporation proposing to construct an electric or street railway or railways on any of the streets not occupied by the company, the matter of the proposal shall be notified to the company and the option of constructing such proposed railway or railways on the conditions contained in this By-Law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within three months after such notification, or if the same having been accepted the company shall not proceed with the necessary work immediately after the expiration of said term of three months from the date of service of such notice and complete the same within the time by the corporation fixed for that purpose, then the corporation may grant the privilege to any other person, persons, firm, company or corporation and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets, provided always that nothing herein contained shall be taken to bind the corporation to grant to the company or any one else the right to construct a railway or railways upon any streets other than those herein specifically named. The said notice to the company of such proposal shall contain a notification of the time fixed by the corporation for the completion of the proposed work if said option should be accepted by the company, and should the company not accept said option as herein provided and should the person, persons, firm or corporation making said proposal not have the work therein proposed to be done completed and the railway on all the streets and parts of streets named in said proposal in operation within the time by the corporation so fixed for that purpose and notified to the company herein in the said notice to them or within such further period or periods

as the corporation from time to time fix, such extensions of time, however, not to exceed one year from the time fixed in the notice for the completion of the proposed work, then and in that event all the rights and privileges granted to the said person, persons, firm or corporation in respect of the work contained in the said proposal shall forthwith at the expiration of the time limited in the said notice for the completion thereof, cease, determine and be at an end and the rights of the corporation shall thereafter be as if such proposal had not been made and notice thereof had not been communicated to the company herein.

45. Should the company at any time cease to regularly use for the purposes of their railway for a period of six months the poles and wires and overhead appliances and construction which shall be placed by the company in the streets the corporation may give written notice to the company directing the company to remove the said poles and overhead appliances and construction and if the company shall not within one month after the service of such notice at their own expense remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the council and of the said corporation, the corporation may do so and charge the expense thereof to the company who shall pay the same to the corporation on demand.

46(a). The company shall if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all suburban or radial or other electric railway companies, which may during the continuance of this by-law or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the town limits to the centre of the town or such other place or places within the town as the said suburban or radial or other electric railway companies or company may have their station or stations and if and when desired, back again to the said town limits, to the same point at or any other point on the line of the company's railway and, when the company's tracks and trolley wires do not extend to the town limits at the point or points where the suburban or radial or other electric railway company or companies desire to enter and the company refuse or neglect within thirty days after being notified, to agree to make such extensions, or if having agreed within the same time to make the said extensions, the company shall not proceed with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose, the said suburban or radial or other electric railway companies or company shall have the right, if permitted to do so by the by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric or other railway between the said suburban or radial railway company's or companies' lines and the tracks of the company and subject to the provisions and conditions of any such by-law, the company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose, the company to have the right to collect the regular town fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and to take on and let off passengers within the town limits and all such passengers shall be entitled to transfers to any part of the town from the said suburban or radial or other electric railway company's cars to and upon the company's cars or *vice versa*, upon payment of one fare to the company, the intent of this provision being that every passenger shall be entitled to be carried from any point within the town limits to any other point therein, whether upon the company's cars or the suburban or radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 31 hereof, the compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in sections 21, 22 and 23, but in determining the said price to be paid the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to

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the operating expenses of the said road. Provided always that it shall not be necessary for any such suburban or radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they may be entitled under this section, but in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said award and such company or companies (as the case may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

(b) In case the company refuse or neglect to carry out any of the provisions of subsection (a) of this section to the satisfaction of the corporation or the said suburban or radial or other electric railway company or companies, the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in sections 21, 22, and 23 hereof, and the corporation, the company or any of the said suburban or radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

(c) This section shall apply to all suburban or radial railways, whether operated by electricity or other motive power.

47. Whenever the words "town engineer," "town engineer for the time being," or "said engineer" are used in this by-law they shall mean the engineer of the corporation of the Town of Sarnia for the time being or other officer or person as the corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this by-law devolving or conferred upon the said engineer.

48. In all arbitrations under this by-law, in case of difference between the arbitrators, a majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

49. Should the company fail to complete the said railway or to commence running their cars within the time limited by this by-law or within one month thereafter, or should the said company within the time limited by this grant neglect or fail to run cars or sleighs on said railway after the completion thereof for the accommodation of the public as provided by the rules and regulations for the space of one month after written notice of such neglect or default shall be served on the company, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or under this by-law or by the use or possession of said streets, and in which case the corporation reserves the right to assume the railway by paying its value to be settled by arbitrators as in sections 21, 22 and 23 of this by-law is provided or to cause all obstructions and materials placed in said streets by the said company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon and the expense thereof shall be paid to the said corporation by the said company, and the said corporation in such case reserves the right then to grant the same rights and privileges to any person or persons, company or companies free from all charges or liabilities for damages on account thereof.

50. The assessment of the company upon their tracks, track allowances, rails, poles and wires, appliances and equipments and upon all their real and personal property of what nature or kind soever for the term of twenty years from the first day of January, 1901, is hereby fixed at one dollar per head estimated by the yearly records made and taken by the town assessor as aforesaid, after which time the same is to be subject to assessment as if this by-law had not been passed.

51. Sections 43 and 50 and all other proportions of this by-law (if any other) which are beyond the jurisdiction of the said corporation to enact,

shall not operate or come into force until the same is sanctioned, ratified and confirmed by the Legislature of the Province of Ontario.

52. The company shall at all times furnish a good and sufficient service to meet the public requirements, said service to be regulated by the corporation, and shall on Sundays make one trip for each regular passenger train that arrives at or departs from the railway stations at or near which their road passes or terminates, and two trips from Point Edward to the tunnel in the morning and two trips from the tunnel to Point Edward in the evening to convey railway employees to and from their homes; but nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays except as aforesaid, and no other service shall be given on Sundays.

53. The corporation shall have the right to use the poles of the company for the wires or other appliances of the fire alarm system of the corporation.

54. The corporation shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provision of this by-law; but the corporation shall not be required or compelled to incur any expense in connection therewith.

55. The corporation shall join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying and legalizing this by-law and the agreement to be entered into between the corporation and the company pursuant thereto should it be deemed advisable by the company to apply for such legislation, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any).

56 The by-laws relating to the company referred to in the preamble of this by-law are hereby repealed such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the next succeeding paragraph hereof, but the company shall be at liberty to run their cars with horses subject to the conditions and regulations contained in this by-law as far as applicable until the time fixed by this by-law for running electric cars, namely, the first day of August next; but such repeal shall not affect the rights of the corporation to enforce against the company any right or claim existing against the company at the time of such repeal and to such extent said by-law shall continue to *subsist*. But this clause shall not affect the present rights of the company on Front street north of the street car barns until the company obtains a crossing over the Grand Trunk track on or near Exmouth street.

57. This by-law and the powers and privileges given thereunder shall not take effect or be binding on the corporation unless and until formally accepted by the company within fifteen days after passing thereof by an agreement which shall legally bind the company to comply with, observe, and perform all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the town solicitor, and such agreement when so approved shall also be executed under the seal of the corporation by the mayor and town clerk.

58. This by-law shall be known as by-law 544 of the town of Sarnia.

Finally passed this 8th day of April 1901.

(Sgd) J. D. STEWART,
Clerk.

(Sgd) WILLIAM LOGIE,
Mayor.

SCHEDULE B.

Articles of Agreement made this third day of July, A.D. 1901, between, the corporation of the Village of Point Edward, (hereinafter called the corporation) of the first part, and The Sarnia Street Railway Company,

Company, Limited, (hereinafter called the company) of the second part.

Whereas by an Act of the Legislature of the Province of Ontario passed on the twenty fourth day of March, A.D. 1874, entitled "*An Act to incorporate The Sarnia Street Railway Company*" it is amongst other things provided that the council of the said corporation (as well as the councils of other corporations adjoining to the Town of Sarnia) and the company may make and enter into any agreements respecting the construction of the said railway and the location thereof and for the paving, macadamizing, repairing and grading of the streets or highways and the construction, opening of drains or sewers and the laying of gas and water pipes in said streets and highways and the particular streets along which the said railway shall be laid, the pattern of the rail, the time and speed of running the cars, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the said corporation on the 24th day of June, A.D. 1901, passed a by-law numbered 184 granting to the company certain rights for the construction and maintenance and operation of a street railway upon and along certain streets of the said Village of Point Edward upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to said by-law and the same have been approved of by the village solicitor.

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say.—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges hereby granted to the company; subject however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed the corporate seal and the reeve and village clerk have set their hands and the company have caused to be affixed their corporate seal and their president and secretary have set their hands the day and year first above written.

Signed sealed and delivered

In the presence of.

(Sgd.)

[Sgd.] R. I. TOWERS,
as to signature of reeve and clerk
and seal of the Corporation of Point
Edward.

[Seal]

[Seal]

W. O. PARSONS,
Reeve, Village of Point Edward.
J. F. O'NEIL,
Clerk, Village of Point Edward.
JNO. D. BEATTY,
President, Sarnia Street Railway
Company.
H. W. MILLS,
Secretary, Sarnia Street Railway
Company.

BY-LAW

BY-LAW No. 184.

Respecting the Sarnia Street Railway Company.

Whereas the Legislature of the Province of Ontario did on the 24th day of March, A.D. 1874, pass an Act, Chapter 61 37 Victoria, entitled "An Act to Incorporate the Sarnia Street Railway Company," by which the said company (hereinafter called the "Company") is authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the Town of Sarnia and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement thereafter to be made between the council of the said town or of said municipalities respectively, or any of them, and the said company, in pursuance of said Act, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power as the company may be authorized by the council of the said town and municipalities respectively, by by-law to use and to construct and maintain all necessary work, buildings, appliances and conveniences connected therewith.

And whereas, the corporation of the village of Point Edward hereinafter called "the corporation" is a neighboring municipality to the Town of Sarnia aforesaid within the meaning of the said Act.

And whereas the corporation or their predecessors by by-laws conferred certain rights and privileges upon the company subject to the conditions contained in such by-laws.

And whereas the company desire to construct a surface electric street railway on the trolley system in place of their present railway on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that upon the completion of the construction of the work hereby authorized to be done the said by-laws heretofore passed shall, without further act on the part of the said corporation or the said company, be consolidated and amended so that the same shall read as this by-law reads, and all portions of the said several by-laws inconsistent herewith shall thereafter be repealed.

Be it therefore enacted by the municipal council of the corporation of the Village of Point Edward as follows:—

1. (a) The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate during the term of thirty years from the first day of January, 1901, a surface street railway with electricity on the trolley system as the motive power therefor, consisting of a single track, with the necessary side tracks, turnouts or switches for the passage of cars, carriages or other vehicles adapted to the same, upon and along the following roads and streets in the said Village of Point Edward, namely: Exmouth street, from the north end of Christina street to the road to the east of Bay View Park; the road around the east side of Bay View Park, from Exmouth street to St. Clair street; St. Clair street, throughout; Edward street, from the end of St. Clair street to Michigan avenue; Michigan avenue, from Edward street to Livingstone street; and upon and along such other streets of the said Village of Point Edward as the company, with the consent of the corporation expressed by a by-law, may hereafter select, and to erect all necessary poles and wires, electric appliances and overhead construction along such roads and streets for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as the motive power during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained, or that may from time to time be deemed necessary by the council for the protection of the citizens of the said corporation.

(b)

(b). The said company shall have, subject to the conditions and agreements hereinbefore mentioned, the further right to construct, complete, maintain and operate during said term its railway to the Lake shore over such portions of Michigan avenue east of Edward street and any of the streets or parts of the streets north of Michigan avenue which the said company may select and construct and operate their railway upon within two years from the first day of August next.

2. The construction of the said surface street railway on the roads and streets hereinbefore mentioned shall be commenced on or before the first day of August A.D. 1901 and shall be completed and the cars running efficiently thereon by the first day of November A.D. 1901.

3. The tracks of the said company and all works necessary for constructing and laying the same, shall be built and made in a substantial manner and the roads and streets on which any work is done by the company shall by and at the expense of the company be left in as good state and condition when the rails are laid and other necessary work of the company is done as they were at the time they were broken up or interfered with by the company, such work to be done to the satisfaction of the council of the said village.

4. The said railway shall be of the gauge of four feet eight and a half inches and the rails shall be laid, kept and maintained flush with the grade of the said streets and in such manner as shall least obstruct the free and ordinary use of the streets and the passages of vehicles and carriages over the same.

5. The said railway shall, unless otherwise directed by by-law of the council of the corporation passed before the construction of the said railway, be laid in the centre of the street, and where turnouts shall be used so that the inside rail of each track shall be within two feet of the centre line of the street, except that part from Exmouth street to St. Clair street proper, which part shall be constructed where the street car road now is, the corporation to have the right to drain under the tracks wherever they think proper for the purpose of removing all surplus water between those points.

6. The tracks shall conform with the grades of the several streets upon and along which the same shall be laid as the same now are, or hereafter may be established prior to the construction of the road and shall not in any way alter or change the same or vary therefrom, and for the purposes of this by-law the corporation shall upon request of the company determine the grades of the streets to be used by the company so that the company may know the grade to which their tracks are required to conform.

7. Wherever in this by-law the words "track allowance" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and where Y's turnouts, switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the switches, side tracks, Y's and turnouts and between the tracks of the Y's and between the tracks and the switches and between the tracks and the turnouts and eighteen inches outside of the outer rails of such Y's, turnouts, switches and side tracks and where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.

8. The track allowances shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof by and at the expense of the company when and as the company construct their railway under the provisions of this by-law and the company will at all points where the line of railway is intersected by streets crossing the same and where the track allowance is not paved, construct and maintain over the said allowance plank or other similar substantial and suitable crossings for teams, such crossings to be of the width required by the council and shall pay all extra costs of paving, repaving, macadamizing, remacadamizing, gravelling or regraveling and maintenance of said track allowance occasioned by the construction, operation or existence of said

street

street railway track or works, such extra costs to be determined in case of dispute by the village engineer without appeal from his decision, such decision to be absolutely final, such village engineer to be such engineer as the village may appoint for the purpose.

9. Notwithstanding anything in this by-law contained the said company shall maintain and repair the said track allowances at their own expense so long as any horse cars are used on the same and shall, upon the company ceasing to use the said horse cars, put the said track allowances in perfect state of repair so that they shall be in a perfect condition and in all respects filled up solidly even and flush with the top of the rail.

10. Whenever the company break up, open or interfere with any road or street, the same shall be restored by the company at their own expense to its previous condition and flush with the top of the rail and so kept flush until it has been fully settled and in restoring the streets where the same have been broken up by the company, the company shall use similar material to that of which the roadway on the street is constructed.

11. While the rails are being laid or any works of the company are in course of construction or repair the company shall cause a free passage to be kept open for carriages and vehicles and all surplus street material shall be either removed or spread over the street from which the same shall be taken.

12. It is hereby expressly declared that the corporation of the village of Point Edward shall not be held liable to the street railway company for damages the said company may sustain or incur by the breakage of any sewer or water pipes or other pipes or for any delay that may be caused by construction of sewers and the laying of water and gas pipes or other pipes or the necessary replacing of same or from any other delay or damage that may be caused by freshets, fire or otherwise.

13. It shall be lawful for all and every person or persons whatsoever, to travel upon and use the said tracks, except for railway purposes, with horses, carriages or other vehicles loaded or not, when and so often as they may please so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

14. The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to, or have to pay by reason of any impeachment of this by-law, or by the exercise by the company of their powers or any of them, or by reason of neglect of the company in execution of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of the said works becoming unsafe or out of repair or by reason of the neglect or failure of the company in removing any snow or ice which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything herein agreed to be done or permitted, or by reason of any negligence of the said company, or by reason of any act, default or omission of the company or otherwise howsoever, occasioned by the existence of the railway, or by the company, unless such damages are occasioned by the default of the corporation in the non-repairing of such track allowances as are under this by-law as between the company and the corporation to be maintained by the corporation after notice by the company to the corporation to repair the particular defect : and should the corporation pay or be put to any such loss, damages costs, charges or expenses the company shall forthwith, upon demand repay the same to the corporation.

15. The company shall by the use of guard wires or other sufficient means, protect all the village fire alarm wires and all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of the railway.

16. All rights that are now, or that may hereafter be vested in the said village in respect to the care and improvement of the streets, the construction of sewers, culverts or drains, and the laying of water or gas pipes

pipes therein, are in no way to be affected or impaired by any privileges that may be granted to the said company and the rights hereby granted to the said company are subject to the rights of the corporation to take up, alter, repair or remove sewers, water and gas pipes, and to lay down or permit to be laid down in the Village of Point Edward gas or water pipes or sewers and to alter or improve and repair said streets whenever they may deem it advisable so to do without being liable to the company for any damage whatsoever occasioned thereby to the company or its property, due notice of such intentions to be given to the company and reasonable despatch to be used in such repairs, and where it shall be necessary that the track of the company should be removed in order that the said works, or any of them, should be conveniently done, then such track shall be removed and replaced by the company at its own expense : but no sewer, water or other pipe shall be placed or constructed lengthwise under the road of the company, but such sewer, water or other pipe may be laid or constructed across under said road of the company, either directly or obliquely.

17. The said company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of their tracks and the company shall place and continue on said railway good modern cars sufficient for the accommodation of the public on all lines.

18. The privileges granted by this by-law shall extend until the first day of January, 1931, but the corporation may, after giving at least one year's notice in writing prior to the expiration of thirty years from the first day of January last of their intention so to do, assume at the expiration of the said thirty years from the first day of January last, the ownership of the said railway of the company so far as located within the limits of the said corporation, and all real and personal property used or employed in connection with the working thereof, upon payment of the value thereof to be determined by arbitration and any arbitration under this section shall be subject to the provisions of the *Municipal Act* respecting arbitrations and references or any act substituted therefore, or for the time being, dealing with the said matters.

19. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate said arbitration and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term of thirty years from the first day of January last ; but if from any cause the award shall not be made by such time, or if either party be dissatisfied with the award the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made or if not, on paying into court or to the company, such sum of money as a Judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the said judge shall by his order direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby.

20. In determining such values regard shall be had to what is the fair and reasonable value of such property in the way in which it is being used and employed, and the net profits and dividends received therefrom yearly during the five years next preceding thirty years from the first day of January last or any fifth year thereafter.

21. In the event of the corporation not exercising at the expiration of the said period of thirty years from the first day of January, 1901, the right to take over the railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods of five years reckoned from the expiration of the previous five years, exercise such right upon giving not less than one year's previous notice in writing to the
the

the company of their intention so to do, and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this by-law, provided always that whenever the corporation exercises such right of taking over the said property the provisions for determining the value thereof herein contained shall apply, *mutatis mutandis*, in the same manner as if the corporation had exercised their rights at the expiration of the said period of thirty years, that is to say, on the first day of January, 1931.

22. Cars running in the same direction or in opposite directions on the same track, shall not approach each other within a distance of sixty feet except in cases of accident, or when it may be necessary to connect them together, or at stations and turnouts.

23. No cars shall be allowed to stop on or over a crossing or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or other unavoidable reasons, and the said corporation shall have the right to fix the maximum rate of speed that the motors and cars of the railway or either of them shall run at on any portions of the railway within the corporation, but so that the rate of speed so fixed shall not be less than six miles per hour, and the said company shall give a service of at least one car each way every thirty minutes, from 6.30 a.m. until 8 p.m., and an hourly service from 8 p.m. until 10 p.m., and on Saturday nights until 11 p.m.

24. It is hereby reserved to the municipal council of the said corporation to make any further rules, regulations, orders and by-laws in relation to the construction, repair and operation of the said railroad as may be deemed necessary to protect the interests of the said village, and the safety, welfare or accommodation of the public, but no such further rules, regulations, orders or by-laws shall be made which shall have the effect to impair the substantial rights of the company, or to require a more frequent service than hereinbefore specified.

25. Whenever it shall be necessary to remove any snow or ice from the tracks of the said railway the same shall be done by the company in such manner and so evenly spread on the streets as not to obstruct the free passage of sleighs or other vehicles along said streets, or in crossing the same at or upon cross streets, and the company shall not use salt for the removal of ice or snow, except upon switches and turnouts.

26. Whenever there shall occur a fall of snow which materially obstructs the tracks and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey passengers over the company's road from day to day until the cars can be used on the track, and to charge for the carriage of passengers on such sleighs.

27. Except as in this clause is otherwise expressly provided the said company may charge and collect from every person on entering any of their cars or sleighs for riding any distance on their said road, in the same continuous route within the Village of Point Edward and the Town of Sarnia between 6 a.m. and 11 p.m. a sum not exceeding five cents, and between 11 o'clock p.m. and 6 o'clock a.m. a sum not exceeding ten cents, except children under five accompanied by their parents or other persons having them in charge, which said children may ride free.

Provided however the company shall sell six tickets for 25 cents, and provided also that the company also shall sell for use on any day between 6 o'clock a.m. and 8 o'clock a.m., and between 5.30 p.m. and 7 p.m., 28 tickets for \$1.00, said last mentioned tickets to be not transferable; and provided also that monthly tickets entitling the holder to one trip each way on each day of the month for which the said ticket is issued between the hours of 6 a.m. and 8 a.m., and between 5 p.m. and 7 p.m., shall be sold to working people residing or boarding at Point Edward and working in the Town of Sarnia at the rate of \$1.50 for each said monthly ticket, said tickets to be not transferable, and to be good only between and to include the first and the last days of the calendar month for which the same is issued.

And provided also that monthly tickets entitling the holder to one trip each way on each school day between the hours of 8 a.m. and 9 a.m. and between 3 p.m. and 5 p.m. shall be sold to all children living in Point Edward and attending school in Sarnia, applying therefor at seventy-five cents per month, said tickets to be not transferable and to be good only between and to include the first and last days of the calendar month for which the same is issued.

28. The said company may also charge a reasonable compensation for carrying packages and freight.

29. The conductors and drivers shall not allow ladies or children to leave the car while in motion.

30. The cars after sunset shall be provided with colored signal lights with different colors to indicate different routes travelled, and each motor shall have a gong attached to it which shall be rung when necessary to give warning.

31. The cars shall be entitled to the track, and any vehicle upon the track of the said company within a distance of fifty yards shall turn out so as to leave the track unobstructed, and the driver of any vehicle refusing to do so when requested by the motorman or conductor of any car or when warned by the ringing of a bell on any car, shall be liable to a penalty not exceeding \$10.00 and costs of prosecution on conviction before the Reeve of the corporation or before any other magistrate having jurisdiction; provided that if any person, persons, or corporations shall have any cause to remove any building or other large substance they shall be allowed reasonable and sufficient time to remove the same, without being liable to the penalty attached to this section; provided that such person or corporation shall first have obtained the consent in writing of the council for the said corporation and shall have given the company twenty-four hours' notice of such intention, and provided also that the party moving such building or other large substance shall pay the company all costs and damages which the company may incur, be at, or be put to by reason of the breakage, cutting or moving or raising of their wires or otherwise. This shall not apply to any person meeting with an accident on the track.

32. The company shall from time to time adopt and use fenders and other reasonable safeguards (subject to the approval of the corporation) against accidents and injury in the work and running of their railway, but the said corporation shall approve of any fender that may be approved of by the municipal council of the Town of Sarnia.

33. The location of the line of the said railway on the streets and the position of the rails, switches, and turnouts and other works thereon shall be shown upon plans with figured dimensions showing the distance of all the company's works from the side lines of the streets and such plans shall be filed with the clerk of the corporation.

34. Should the company hereafter deem it advisable they may, with the consent of the corporation expressed by by-law, substitute compressed air or any other modern motive power for electricity on the trolley system, but so that the service shall in no wise be less efficient than under the electric motive power on the trolley system.

35. No new line or extension of additional track shall be built by the company on any of the streets of the village of Point Edward not herein specifically mentioned except under the authority first obtained by by-law of the council of the corporation.

36. Where in case of fire the person in charge of the fire brigade or the portion thereof engaged at such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire or near the fire engines, hose, or other appliances in use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.

37. The company may lay switches, loops, Y's or turnouts for the purpose of connecting their operating tracks with their power houses, car barns, storage

storage sheds, yards or repair shops, or at railway stations or terminals, together with sidings to parks, exhibition grounds and factories under the direction of the council of the corporation.

38. The company are exclusively authorized to construct maintain and operate, subject to the conditions and agreements in this by-law contained, a surface street railway with electricity on the trolley system as the motive power or with such other modern motive power not less efficient than electricity on the trolley system, which is approved of by the said corporation as aforesaid, as the company may see fit, to adopt on the streets and portions of streets mentioned in subsection (a) of section one hereof, and on such parts of Michigan Avenue to the east of Edward street and any of the streets north of Michigan Avenue which the said company may select and construct and operate their railway upon within two years from the first day of August next; and subject to the right of other street railways crossing the same, at such places as the council of the said corporation may select.

39. In the event of any person, persons, firm or corporation proposing to construct an electric or street railway or railways on any of the streets not occupied by the company, the matter of the proposal shall be notified to the company and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company but if such option shall not be accepted by the company within three months after such notification, or if the same having been accepted the company shall not proceed with the necessary work immediately after the expiration of said term of three months from the date of service of such notice and complete the same within the time by the corporation fixed for that purpose then the corporation may grant the privilege to any other person, persons, firm, company or corporation and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets; provided always that nothing herein contained shall be taken to bind the corporation to grant to the company, or any one else, the right to construct a railway or railways upon any streets or parts of streets other than those streets or parts of streets over which a franchise is hereby granted. The said notice to the company of such proposal shall contain a notification of the time fixed by the corporation for the completion of the proposed work and if said option should be accepted by the company, and should the company not accept said option as herein provided, and should the person, persons, firm or corporation making said proposal not have the work therein proposed to be done completed and the railway on all the streets and parts of streets named in said proposal in operation within the time by the corporation so fixed for that purpose and notified to the company herein in the said notice to them or within such further period or periods as the corporation from time to time fix, such extensions of time however not to exceed one year from the time fixed in the notice for the completion of the proposed work, then and in that event all the rights and privileges granted to the said person, persons, firm or corporation in respect of the work contained in the said proposal shall forthwith at the expiration of the time limited in said notice for the completion thereof or extensions thereof as aforesaid, cease, determine and be at an end and the rights of the corporation shall thereafter be as if such proposal had not been made and notice thereof had not been communicated to the company herein.

40. (a) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon of all suburban or radial or other electric railway companies, which may during the continuance of this by-law or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the village limits to the centre or business part of the village, or such other place or places within the village as the said suburban or radial or other electric railway companies or company may have their station or stations, and, if and when desired,

desired, back again to the said village limits, to the same point at, or any other point on the line of the company's railway, and when the company's tracks and trolley wires do not extend to the village limits at the point or points where the suburban or radial or other electric railway company or companies desire to enter and the company refuse or neglect within thirty days after being notified, to agree to make such extensions, or if, having agreed within the same time to make the said extensions, the company shall not proceed with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose the said suburban or radial or other electric railway companies or company shall have the right, if permitted to do so by by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric or other railway between the said suburban or radial railway company's or companies' lines and the tracks of the company or to the river or lake front at the option of the corporation and, subject to the provisions and conditions of any such By-law, the company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid, and to take on and let off passengers within the village limits, and all such passengers shall be entitled to transfers to any part of the village from the said suburban or radial or other electric railway company's cars to and upon the company's cars, or *vice versa*, upon payment of one village fare to the company—the intent of this provision being that every passenger shall be entitled to be carried from any point within the village limits to any other point therein, whether upon the company's cars or the suburban or radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 27 hereof. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in sections 18, 19 and 20, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road; provided always that it shall not be necessary for any such suburban or radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they may be entitled under this section, but in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said award and such company or companies (as the case may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

(b) In case the company refuse or neglect to carry out any of the provisions of sub section (a) of this section to the satisfaction of the corporation or the said suburban or radial or other electric railway company or companies the matter in dispute and the damage (if any) sustained thereby shall be determined by arbitration in the same manner as provided in sections 18, 19 and 20 hereof, and the corporation, the company or any of the said suburban or radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

41. Wherever the words "village engineer", "village engineer for the time being" or "said engineer" are used in this by-law they shall mean the engineer of the corporation of the Village of Point Edward for the time being, or other officer or person as the corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this by-law devolving or conferred upon the said engineer.

42. Should the company at any time cease to regularly use for the purposes

poses of their railway for a period of nine months the rails, poles and wires and overhead appliances and construction which shall be placed by the company on that portion of the railway proposed to be constructed to the lake shore over such parts of Michigan avenue to the east of Edward street and any of the streets north of Michigan avenue, which the said company may select and construct and operate their railway upon within two years from the first day of August next, the corporation may give written notice to the company directing the company to remove the said rails, poles and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense remove such rails, poles, wires and overhead appliances and construction and put such streets in proper repair, and to the satisfaction of the council and of the said corporation, the corporation may do so and charge the expense thereof to the company who shall pay the same to the corporation on demand and the franchises hereby granted over such portions of streets aforesaid shall be forfeited.

43. Should the company fail to complete the said railway or to commence running their cars within the time limited by this by-law or within one month thereafter or should the said company within the time limited by this grant neglect or fail to run cars or sleighs on the entire length of said railway after the completion thereof for the accommodation of the public as provided by the rules and regulations for the space of one month after written notice of such neglect or default shall be served on the company, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or under this by-law or by the use or possession of said streets and in which case the corporation reserves the right to assume the railway by paying its value, to be settled by arbitrators as in sections 18, 19 and 20 of this by-law is provided, or to cause all obstructions and materials placed in said streets by the said company to be removed therefrom and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed thereon and the expense thereof shall be paid to the said corporation by the said company, and the said corporation in such case reserves the right then to grant the same rights and privileges to any person or persons, company or companies free from all charges or liabilities for damages on account thereof.

44. The said company shall be exempt from assessment and taxes upon their track allowance, rails, poles and wires, appliances and equipments and upon all their real and personal property of what nature and kind soever within the said village for the term of twenty years from the first day of January, 1901, after which time, that is after the first day of January, 1921, the property of the company is to be subject to assessment as if this by-law had not been passed.

45. Sections thirty-eight and forty-four, and all other provisions of this by-law (if any other) which are beyond the jurisdiction of the said corporation to enact shall not operate or come into force until the same is sanctioned, ratified and confirmed by the Legislature of the Province of Ontario.

46. The said company may operate their cars on Sunday.

47. Save as hereinbefore provided the corporation shall during thirty years from the first day of January 1901, maintain and keep the said track allowances in repair, but should the said corporation hereafter become annexed to the corporation of the Town of Sarnia then upon the said Town of Sarnia having a population of 20,000 people (including the population of the annexed Village of Point Edward) estimated by the town assessor, or should the said corporation not be so annexed, then from and after the first day of January, 1931, in addition to the said company paying the extra costs of paving, macadamizing or gravelling the said track allowances hereinbefore provided, the said track allowances shall be paved, repaved, macadamized, re-macadamized or gravelled to conform with the adjoining portions of the streets and wholly maintained and kept in repair all to the satisfaction of the board of works for the time being by and at the expense of the company, the company furnishing the materials for so doing,

doing, such materials to be of the same kind as are used for the making or repairing of the adjoining portions of the streets and in default of the company so doing, then the said corporation shall be at liberty to do the work and supply the materials necessary for such paving, re-paving, macadamizing, re-macadamizing, gravelling and maintenance and recover the cost thereof from the company as and for liquidated damages.

48. In the event of the corporation of the Village of Point Edward becoming annexed to the corporation of the Town of Sarnia and a reference to arbitration under any provision of this by-law being had, which would affect the property or rights of the company within the present limits of the Town of Sarnia, and the Village of Point Edward, then the reference by way of arbitration shall be subject to and conducted as one arbitration under the provisions of the then existing provision or provisions in the then existing street railway by-law or by-laws of the said Town of Sarnia.

49. The corporation shall join with the company in any petition or application which the company may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense in connection therewith.

50. The corporation shall join with the company in applying to the legislature of the Province of Ontario for legislation confirming and ratifying and legalizing this by-law, and the agreement to be entered into between the corporation and the company, pursuant thereto, should it be deemed advisable by the company to apply for such legislation, but the said company shall pay all the costs of such legislation including the costs of the corporation (if any.)

51. The by-laws relating to the company referred to in the preamble of this by-law are hereby repealed, such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the next succeeding paragraph hereof, but the company shall be at liberty to run their cars with horses, subject to the conditions and regulations contained in this by-law as far as applicable until the time fixed by this by-law for running electric cars, namely, the first day of November next, but such repeal shall not affect the rights of the corporation to enforce against the company any right or claim existing against the company at the time of such repeal and to such extent said by-law shall continue to subsist.

52. This by-law and the powers and privileges given thereunder shall not take effect or be binding on the corporation unless and until formally accepted by the company within fifteen days after the passing thereof by an agreement which shall legally bind the company to comply with, observe and perform all the agreements, obligations, terms and conditions herein contained, and which agreement shall be approved by the village solicitor, and such agreement when so approved shall also be executed under the seal of the corporation by the reeve and the village clerk.

53. This by law shall be known as By-law No. 184 of the village of Point Edward.

Finally passed this 24th day of June, A.D., 1901.

(Sgd.) J. F. O'NEIL,
Clerk.

(Sgd.) W. O. PARSONS,
Reeve.

CHAPTER 96.

An Act to incorporate The South Western Traction Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS Frederick George Rumball of the City of London in the County of Middlesex, manufacturer, Thomas Hunter Purdom of the same place, Esquire, one of His Majesty's counsel learned in the law, Thomas Caswell Knott of the same place, accountant, Alfred Ernest Welch of the same place, stockbroker, Robert McEwen of the Township of Westminster in the said County of Middlesex, Esquire, a Lieutenant-Colonel of His Majesty's forces in Canada, James Boles of the Town of Ingersoll in the County of Oxford aforesaid, merchant, O'Brien O'Donnell of the said City of London, capitalist, and Thomas Henry Luscombe of the said City of London, barrister-at-law, have by their petition prayed for an Act of incorporation under the name of The South Western Traction Company for the purpose of constructing and operating a system of electric railways in and through the following municipalities namely; (1) the City of London and from thence in a westerly direction to the Village of Glencoe passing through the Townships of Westminster, Delaware, Caradoc and Ekfrid and through or near the Villages of Lambeth, Delaware, Melbourne, Longwood and Appin; (2) from the Village of Delaware in a north-westerly direction to the Town of Strathroy passing through the Townships of Delaware and Caradoc and the Village of Mount Brydges; (3) from the City of London in an easterly direction to the Town of Ingersoll passing through the Townships of Westminster, North Dorchester, West Oxford and North Oxford, and the Villages of Nilestown, Dorchester and Putnamville, with a branch from the Town of Ingersoll in a north-westerly direction to the Village of Thamesford, and another branch line from the said Town of Ingersoll northerly to the southern boundary of the Township of West Zorra; (4) from the City of London in an easterly direction to the City of Brantford passing through the Township of London and along or near the town line between the Townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim and South Dumfries on the north side, and the Townships of North Dorchester, North Oxford, East Oxford, Burford and Brantford on the south side, as far as the Town of Paris, and from the Town of Paris through the Township of Brantford to the City of Brantford and through the Village of Thamesford, the City of Woodstock, the Villages of Eastwood and Princeton and the Town

Town of Paris; (5) from the City of Brantford to the City of Hamilton passing through the Townships of Onondaga and Ancaster and the Villages of Cainsville, Jerseyville and Ancaster and along the town line between the Townships of Ancaster and Barton; (6) from the Town of Paris through the Township of South Dumfries to and through the Villages of St. George and Harrisburg and thence along the town line between the Townships of Beverly and Flamboro on the north side and the Township of Ancaster on the south side to the City of Hamilton; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The said Frederick George Rumball, Thomas Hunter ^{Incorporation:} Purdom, Thomas Caswell Knott, Alfred Ernest Welch, Robert McEwen, James Boles, O'Brien O'Donnell and Thomas Henry Luscombe and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The South Western Traction Company."

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by compressed air or electricity and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same from some point in the City of London, through the said city, and from thence in a westerly direction to the Village of Glencoe, passing through the Townships of Westminster, Delaware, Caradoc and Ekfrid and through or near the Villages of Lambeth, Delaware, Melbourne, Longwood and Appin; from the Village of Delaware in a north westerly direction to the Town of Strathroy, passing through the Townships of Delaware and Caradoc and the Village of Mount Brydges; from the City of London in an easterly direction to the Town of Ingersoll passing through the Townships of Westminster, North Dorchester, West Oxford and North Oxford, and the Villages of Nilestown, Dorchester, and Putnamville with a branch line from the Town of Ingersoll in a north westerly direction to the Village of Thamesford and another branch line from the said Town of Ingersoll northerly to the southerly boundary of the Township of West Zorra; from the City of London in an easterly direction to the City of Brantford passing through the Township of London and along or near the town line between the Townships of West Nissouri, East Nissouri, West Zorra, East Zorra, Blandford, Blenheim and South Dumfries on the north side and the Townships of North Dorchester, North Oxford, East Oxford, Burford and Brantford

Location of
lines.

ford on the south side as far as the Town of Paris, and from the Town of Paris through the Township of Brantford to the City of Brantford and through the Village of Thamesford, the City of Woodstock, the Villages of Eastwood and Princeton and the Town of Paris; and with like power and subject to like conditions, so soon as, but not before, the railway authorized from the City of London to the City of Brantford has been constructed, to construct a railway from the City of Brantford to the City of Hamilton passing through the Townships of Onondaga and Ancaster and the Villages of Cainsville, Jerseyville and Ancaster and along the town line between the Townships of Ancaster and Barton; and from the Town of Paris through the Township of South Dumfries to and through the Villages of St. George and Harrisburg and thence along the town line between the Townships of Beverly and Flamboro' on the north side, and the Township of Ancaster on the south side, to the City of Hamilton, with power to build any part of the said railway in sections as hereinafter provided; and the said railways, or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies, (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

Provisional
directors.

3. Frederick George Rumball, Thomas Hunter Purdom, Thomas Caswell Knott, Alfred Ernest Welch, Robert McEwen, James Boles, O'Brien O'Donnell and Thomas Henry Luscombe shall be and are hereby constituted a board of provisional directors of the said company of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Rev. Stat.
c. 209.

First meeting
of company.

4. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company giving at least four weeks notice by advertisement

advertisement in the *Ontario Gazette* and in one or more newspapers published in the City of London in the said County of Middlesex, of the time, place and purpose of the said meeting.

5. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act* and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act, and the amendments thereof, applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Construction
of railway in
sections.

Rev. Stat.,
c. 209.

6. The head office of the said company shall be at the said City of London and all the meetings of the provisional board of directors of the company shall be held at the said City of London or at such other place as may best suit the interests of the company.

Head office

7. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or

Directors em-
powered to
pay in stock.

bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and out-standing at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Capital
stock.

8. The capital stock of the company shall be \$500,000 to be divided into 5,000 shares of \$100 each.

Subscriptions
not binding
until ap-
proved.

9. No subscription for stock in the capital stock of the company, shall be binding on the said company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subsequent
annual meet-
ing.

10. The general annual meeting of the shareholders of the company for the election of a board of not less than five nor more than nine directors and the transaction of other business connected with or incident to the undertaking shall be held at the head office of the company or elsewhere as the directors may deem most convenient on such day and at such hour as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week for the same period in some newspaper published in the City of London.

Special gen-
eral meetings.

11. Special general meetings of the shareholders of the company may be held at such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Rights of
aliens.

12. Aliens and companies incorporated abroad as well as British subjects and corporations, whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

Qualification
of directors.

13. No person shall be elected a director unless he is the owner

owner and holder of ten shares of stock in the company upon which all calls have been paid.

14. The company may make uniform special rates for the carriage of fruit and milk and other perishable goods. Tolls on fruit and milk.

15. Any municipality through which the said railway passes and having jurisdiction in the premises may subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of and unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway. Laying rails on highway's
Rev. Stat., c. 223.

16. Notwithstanding any provision to the contrary in any other Act, the said company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada. Crossing other lines on the level.

17. The said company shall have power to agree for connections and making running arrangements with The London Street Railway Company, The Brantford Street Railway Company, The Woodstock, Thames Valley and Ingersoll Electric Railway Company, The Hamilton Street Railway Company, and The Hamilton, Ancaster and Brantford Railway Company, if lawfully empowered to enter into any such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies, or any of them if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any compressed air or electric motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy. Running arrangements and connections with other companies.

proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line subject to the provisions of any municipal by-law or by-laws which may from time to time be in force so far as the same may affect the company hereby incorporated or the railway to be built under the authority of this Act; provided that electric power or compressed air only shall be used in operating any portion of the said railway or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railways, or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect and affected thereby has first been obtained thereto; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to issue bonds, debentures and other securities and to raise money thereon.

18. The directors of the company may issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by their secretary which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per centum per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed \$20,000 for each mile of the railway.

Limitation of transmission of electrical energy.

19. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Application of Electric Railway Act.

20. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

21. The railway shall be commenced within two years and completed within five years after the passing of this Act.

Time for
commence-
ment and
completion of
lines.

22. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any special committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Agreements
with other
companies to
be subject to
regulations.

23. Notwithstanding anything in this Act contained the railway shall not be constructed within the limits of the City of Brantford except upon and subject to such terms and conditions as may be mutually agreed upon between the company and The Brantford Street Railway Company; provided always that if the Council of the City of Brantford shall by by-law or resolution request The Brantford Street Railway Company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into the said City of Brantford the company shall permit its tracks or any of the city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the City Corporation and The Brantford Street Railway Company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the City Corporation and the said two companies are unable to agree upon the same.

Construction
within the
City of
Brantford.

CHAPTER 97.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

Assented to 17th March, 1902.

Preamble.

WHEREAS the Windsor, Essex and Lake Shore Rapid Railway Company, incorporated under an Act passed in the 1st year of His Majesty's reign, chaptered 92, has by its petition prayed that an Act may be passed authorizing the company to increase its borrowing powers to the sum of \$20,000 for each mile of its railway; and whereas the railway authorized to be constructed by the company, by its said Act of Incorporation, crosses the tracks of The Canadian Pacific Railway Company, The Michigan Central Railway Company and The Lake Erie and Detroit River Railway Company, and various watercourses, and the work of construction of said line is rendered difficult and expensive; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Bonding
powers.

1. The directors of the company are hereby authorized and empowered to issue bonds, debentures, or other securities for the purpose of raising money for prosecuting their undertaking, but the whole amount of the issue of such bonds, debentures or other securities shall not exceed the sum of \$20,000 for each mile of the railway of the company, and except as herein provided the borrowing powers of the company shall be governed by *The Electric Railway Act*.

Rev. Stat.
c. 209.

CHAPTER 98.

An Act to amend the Act incorporating the Woodstock, Thames Valley and Ingersoll Electric Railway Company.

Assented to 17th March, 1902.

WHEREAS by an Act of the Legislature of Ontario passed Preamble.
in the sixty-third year of the reign of Her Majesty, Queen Victoria, chaptered 127, the Woodstock, Thames Valley and Ingersoll Electric Railway Company was incorporated and by section 15 of the said Act the time for the completion of its undertaking was limited; and whereas the said company has constructed and is operating its railway between Woodstock and Ingersoll but has been unable to complete a small portion thereof in the City of Woodstock and the Embro branch; and whereas by its petition said company has asked that the time for the completion of its undertaking be extended until the 30th day of November, 1906; and whereas said company has further asked that By-laws Nos. 582, 588 and 593 of the municipal corporation of the Town of Ingersoll and the Agreement dated the 30th day of December, 1901, set forth in Schedule "A" to this Act, be ratified and confirmed; and whereas said company has further asked power to pass a by-law creating preference stock; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time limited for completion by section 15 of the Act incorporating the Woodstock, Thames Valley and Ingersoll Electric Railway Company shall be extended until the 30th November, 1906, provided nothing in this section contained shall prejudice or affect the rights of the Town of Ingersoll under the Agreements made between the corporation of the said town and the said Electric Railway Company, and under By-Laws 582, 588 and 593 of the corporation of the said Town of Ingersoll relating thereto.

Extension of time for completion.

Rights of Town of Ingersoll not to be prejudiced.

2.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Preference stock, by-law for issuing.

Special rights
of preference
shareholders.

2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous
sanction
required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon

Special
proviso.

Rights and
liabilities of
preference¹²
shareholders.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise, they shall as against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

Rights of
creditors
preserved.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

By-laws and
agreement
confirmed.

3. By-laws 582, 588 and 593 of the Municipal Corporation of the Town of Ingersoll and the Agreement dated the 30th day of December, 1901, set forth in Schedule "A" to this Act, are hereby confirmed and declared legal and binding upon the said The Woodstock, Thames Valley and Ingersoll Electric Railway Company and upon the said municipal corporation notwithstanding any want of jurisdiction on the part of the municipality to pass the same.

SCHEDULE A.

BY-LAW No. 582.

To grant certain privileges to "The Woodstock, Thames Valley and Ingersoll Electric Railway Company," and to declare and prescribe the terms and conditions on which its electric railway may be constructed, maintained and worked.

Whereas The Woodstock, Thames Valley and Ingersoll Electric Railway Company has requested the municipal council of the corporation of the Town of Ingersoll to pass a by-law authorizing the construction of an electric railway on such streets of the said town as hereinafter mentioned, and granting to the said company the other privileges hereinafter mentioned, but subject to the conditions and restrictions hereinafter mentioned,

And whereas notice of the application for this by-law has been duly given pursuant to subsection 4 of section 9 of *The Electric Railway Act*, and to section 632 of *The Municipal Act*.

And whereas it is expedient to grant the request of the said parties.

Be it therefore enacted by the municipal council of the corporation of the Town of Ingersoll, as follows :

1. The Woodstock, Thames Valley and Ingersoll Electric Railway Company, its successors and assigns, are hereby authorized to lay out, construct, make, complete, alter and keep in repair a steel railway to be operated by electricity, with single steel tracks with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to lay conduits under, and erect poles and wires on or over and along the streets in the said Town of Ingersoll hereinafter named, with all the powers conferred upon such company by *The Electric Railway Act*, such powers to continue for and during a term of forty years from the passing of this by-law, but on the terms and subject to the conditions and stipulations hereinafter contained, such streets being as follows, that is to say : Charles street from the easterly limit of the said town to Oxford street, Oxford street to King street. Provided, however, the corporation of the Town of Ingersoll shall have the power after the building of the station of the Tilsonburg, Lake Erie and Pacific Railway, to force the said company to connect with the said station by way of Charles street or King street west, within six months after notice given by the said corporation to the said company, and the said company shall have the right to make the said connection before said notice is given if it so desires.

2. The company may carry freight and baggage, as well as passengers, and charge a reasonable compensation for carrying the same, all freight cars to be approved of by the council of this corporation.

3. The company shall have the right to lease its works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation, but subject to the provisions of this by-law.

4. The grades of the streets and the location upon the streets of the tracks and poles of the said company shall be under the supervision of the board of works. The poles shall be straight and of uniform size, and painted. The wires shall be strung not less than eighteen feet from the ground.

5. The rail to be used on the streets in the said corporation shall be a standard "T" rail, and shall be laid in such a manner as shall not obstruct the free passage of vehicles and carriages over the same.

6. The tracks of the said railway, and all the works necessary for constructing and laying the same, shall be constructed in a substantial manner, according to the best modern practice.

7. The said company shall construct, and maintain in good repair, crossings of material acceptable to the board of works on the said streets at the various places of intersection of the tracks of the said electric rail-

way

way with any street which the same shall cross to the extent of the width of the track, and eighteen inches on each side thereof, the material for the same to be supplied by the said company.

8. During the operation of laying, removing and relaying the rails, a free passage for carriages and vehicles over the streets shall be kept open and unobstructed, and immediately after the rails have been laid or re-laid, as the case may be, the street material removed or dug up in laying or relaying as aforesaid, shall be either removed by the company from, or spread over, the street from which the same shall have been taken, as shall be directed by the board of works of this corporation.

9. The corporation of the Town of Ingersoll, the said council and the officers and servants thereof, shall have the right to take up the streets traversed by the said railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers or culverts, or of laying down or repairing of gas or water-pipes and for any other purposes for the time being within the powers of the corporation without being liable to the said company for any damages that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, and the said company shall lay or relay their rails to any new grade established by the said corporation, and the said corporation shall not be liable for any damage the said company may sustain from any change of grade or from breakage of any sewer or water-pipes, but the said corporation shall in any case use due diligence in making all necessary repairs on such streets, but nothing herein shall be held to interfere with, or limit the rights of, any water or gas company incorporated, or that may be incorporated, in the said town.

10. Whenever it shall be deemed necessary by this corporation to pave any street occupied by the railway track of the said company, that portion of the street embraced between the rails of such tracks, switches and turn-outs and eighteen inches on each side of said track shall in the first instance be paved by and at the expense of the said company and thereafter, during the continuance of this grant, the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs to the railway, the company shall replace or repair the said pavement, all such repairs to be to the satisfaction of the board of works.

11. Where the company's tracks cross over any bridge the company shall be responsible for all extra repairs, also for strengthening the said bridges, if necessary, such work to be done under the supervision of the board of works.

12. In case the said company shall fail to keep in good repair the said parts of the said streets upon and along which its tracks shall be laid as aforesaid and shall neglect to make such repairs within a reasonable time after notice in writing from the proper officer of the said corporation for the time being, served upon the president or other managing officer of the said company, specifying the particulars of such want of repair, then and in such case the said corporation shall be at liberty to cause such repairs to be made and to recover the cost thereof from the said company.

13. Whenever it shall become necessary to remove any snow or ice from the track or tracks of the said company, the same shall be by the said company evenly spread over the street so as not to obstruct the free passage of sleighs or other vehicles along the said streets, or removed by the said company as shall be directed by the proper officer of the said corporation and in no case shall the company make use of salt for the purpose of removing such snow or ice.

14. Whenever by reason of snow or ice the tracks of the said company shall be so obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized for a period not to exceed ten days to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

15. The number of regular trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storms, and in no case less between Ingersoll and Beachville than between Woodstock and Beachville every regular trip to be continuous.

16. The rate of speed shall not exceed ten miles an hour.

17. When the cars of the company are turning the corner from one street to another the same shall not be driven at a rate faster than a horse's walk.

18. No cars shall be allowed to stop on a crossing or in front of an intersecting street except to avoid collision or to prevent injury to persons in the streets or for other good cause, nor shall any car be left on or remain standing on any street at any time unless the same is being used and waiting for passengers.

19. When it is necessary to stop at the intersection of streets to receive or leave passengers the cars shall be stopped so as to leave the rear platform slightly over the crossing, after having crossed the intersecting street.

20. The cars shall be entitled to the track, and every vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car, shall be liable to a fine not exceeding ten dollars exclusive of costs, to be imposed by any justice of the peace for the county of Oxford having jurisdiction in the said town and in case of non-payment to be collected by distress and sale of the goods of the offender and in default of sufficient distress, the offender may be imprisoned in the common goal for the said county of Oxford for a period not exceeding twenty-one days with or without hard labor.

21. Any conductor or other employees who shall collect of any passenger more than the fare prescribed by law or by the by-laws and regulations of the company shall on conviction thereof before any justice of the peace for the said county of Oxford, pay a fine of not less than ten dollars exclusive of costs, such fine and costs to be levied by distress and sale of the goods of the offender, and in default of sufficient distress the offender may be imprisoned in the common goal for the county of Oxford for any term not exceeding twenty-one days with or without hard labor.

22. The said company shall be subject to taxation and pay a rental of one hundred dollars per annum for the first ten years of the said term of forty years, for the second ten years of the said term the said company shall pay taxes and a rental of two hundred dollars per annum, for the third ten years of the said term the said company shall pay taxes and a rental of three hundred dollars per annum, for the fourth ten years of the said term the said company shall pay taxes and a rental of four hundred dollars per annum, the said rental to be paid half yearly and to commence from the time the first car is in operation within the said corporation.

23. The said company shall complete the railway within the said Town of Ingersoll within four months from the passing of this by-law.

24. If the said company fail to complete the construction of the railway as provided in clause 23 preceding or at any time ceases to operate said railway for one year, it shall forfeit all rights under this by-law.

25. The said company shall indemnify and save harmless the said corporation from any loss, costs or damages on account of any claim which may arise between the said corporation and The Ingersoll Electric Power and Light Company, the Ingersoll Radial Electric Railway Company, Telegraph or Telephone Companies, by reason of them or either of them claiming to have an exclusive franchise on said streets, or caused by the removal of any of the poles or property of the said companies, or caused by the removal, obstructing or changing of the approaches to any of the properties on the said streets, and in the event of the Ingersoll Radial Railway Company requiring to use the tracks of the said company on any of the streets above mentioned the company further agree that they may do

so, the rental for such use to be fixed by the municipal council of this corporation.

26. As soon as the track of the said company crosses Mill Creek on Charles street east they shall then run along the centre of such street, along Charles street to Oxford street and up Oxford street to King street, and the said company shall pave between the rails and eighteen inches on each side of said track with material to be approved of by the Board of Works of the said corporation, the same to apply to the road up Charles street or King street west to the said station when built. The company shall also provide a suitable waiting room.

27. There shall be a uniform rate of fare along the said road, and in no case shall the company charge any more fare between Ingersoll and Beachville, either single or return, than they charge between Woodstock and Beachville.

28. This by-law shall not be binding upon this corporation unless and until the said company shall formally accept the same in such manner as to legally bind the said company to perform the same on its part, in which event this by-law shall constitute a complete contract between the said company and this corporation.

29. The said company shall make application to the Legislative Assembly of Ontario for an Act to ratify and confirm this by-law at their own expense.

Read a first and second time May 6th, 1901.

Read a third time and finally passed.

Ingersoll, June 17th, 1901.

JUSTUS MILLER,
Mayor.

W. R. SMITH,
Clerk.

[Seal]

BY-LAW No. 588.

Entitled a By-law to amend Section twenty-three of By-law five hundred and eighty-two.

Whereas "The Woodstock, Thames Valley and Ingersoll Electric Railway Company" have not completed their electric railway in the Town of Ingersoll within the time fixed by section twenty-three of By law Number 582. and whereas the said company have requested this corporation to extend the time for completing the same, and whereas it is desirable to grant the request of the said company, and to amend section 23 of By law Number 582 in conformity therewith,

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Ingersoll,

(1) That section twenty-three of By-law number five hundred and eighty-two of the Municipal Council of the Corporation of the Town of Ingersoll, finally passed on June the 17th, 1901, be and the same is hereby amended, by striking out the words "within four months from the passing of this by-law," and by substituting therefor the words and figures following, "on or before the first day of December, 1901."

Read a third time and finally passed.

Ingersoll, October 15th, 1901.

(Sgd.) JUSTUS MILLER, Mayor.

" W. R. SMITH, Clerk.

{ Corporate
Seal
Town of
Ingersoll. }

BY-LAW No. 593.

Of the Municipal Corporation of the Town of Ingersoll.

Entitled a By-law to amend By-law No. 582 and to provide for the execution of a certain agreement, between The Woodstock, Thames Valley & Ingersoll Electric Railway Company, and, The Corporation of the Town of Ingersoll.

Whereas The Woodstock, Thames Valley & Ingersoll Electric Railway Company, have not completed their electric road, in the Town of Ingersoll, within the time fixed by By-law numbers 582 and 588,

And whereas the said company have requested this corporation to extend the time for completing the same for the term of six months from the 30th day of December 1901, and have entered into an agreement to complete the same, which agreement is marked "A" and attached to this By-law and made part hereof.

And whereas it is desirable to grant the request of the said company, and that the corporation of the Town of Ingersoll shall execute the said agreement.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Ingersoll,

1. That section 23 of the By-law No. 582 of the Municipal Council of the Corporation of the Town of Ingersoll as amended by By-law 588, dated October 15th 1901, is hereby amended by striking out the words "On or before the first day of December 1901," and by substituting therefor the words and figures following, "On or before the 30th day of June 1902."

2. And the Mayor of this corporation and the Clerk are hereby authorized and empowered on behalf of the Corporation of the Town of Ingersoll, to execute the agreement marked as Schedule "A" to this By-law and hereunto attached.

Read a first, second and third time and finally passed, Ingersoll, December 31st, 1901.

(Sgd.) JUSTUS MILLER, Mayor.

" W. R. SMITH, Clerk.



SCHEDULE "A."

Referred to in annexed By-law.

Memorandum of Agreement made this 30th day of December, 1901, between The Woodstock, Thames Valley and Ingersoll Electric Railway Company, of the First Part; and The Corporation of the Town of Ingersoll, of the Second Part.

Whereas, under By-law No. 582 of the Corporation of the Town of Ingersoll, the party of the First Part is granted a franchise for forty years under certain stipulations contained in the said by-law,

And whereas certain things have yet to be done before the contract contained in the said by-law is completed by the said party of the First Part,

And whereas the matters yet to be completed are set out in schedule "A" hereto annexed,

And whereas the said party of the First Part has requested the party of the Second Part to pass a by-law extending the time for completing the various matters set out in said Schedule "A" for the period of six months,

And

And whereas the party of the Second Part has consented upon the execution of this agreement by the parties hereto to pass a by-law as aforesaid,

Now this agreement witnesseth that in consideration of the premises and the sum of one dollar paid by the party of the First Part to the party of the Second Part, the said party of the Second Part agrees that upon the execution of this agreement that a by-law will be passed by the Corporation of the Town of Ingersoll extending the time for the completion of the matters set forth in Schedule "A" hereto for a period of six months.

And the said party of the first part agrees for itself, its successors and assigns to and with the said party of the second part to complete the various matters set out in said schedule "A" within six months from this date or to forfeit the sum of five dollars per day as liquidated damages until completion of this agreement.

In witness whereof the parties hereto have affixed their corporate seal.

Witness,
(Sgd.) JOHN B. JACKSON.

(Sgd.) J. G. WALLACE,
President.

(Sgd.) J. H. ARMSTRONG,
Secretary.



(Sgd.) JUSTUS MILLER,
Mayor.

(Sgd.) W. R. SMITH,
Clerk.



SCHEDULE "A."

(1) Completion of track from end of present track on Oxford street to the north line of King street crossing.

(2) Grade on Oxford street of present track to be lowered to a satisfactory grade.

(3) All company poles within corporation to be painted.

(4) Railing to be put up on north side of Mill Creek bridge.

(5) Railing to be put up on the north side of railway track across the two gullies on the north side of Charles street at Wixon's and Haines' property.

(6) Cement crossing on Oxford street at Charles street crossing.

(7) A suitable waiting room at or near the line of track to be situate between King street and the Mill Creek.

All the above to be done to the satisfaction of the Board of Works of the Town of Ingersoll.

CHAPTER 99.

An Act respecting The Algoma Steel Company, Limited.

Assented to 17th March, 1902.

WHEREAS The Algoma Steel Company, Limited, was in-
 corporated under the provisions of *The Ontario Com-*
panies Act by letters patent under the Great Seal bearing date
 the 10th day of May, 1901, with the rights, powers and privi-
 leges in the said letters patent mentioned; and whereas the
 said company desires to have its incorporation confirmed, and
 to be authorized to engage in mining and other operations in-
 cidental thereto without thereby becoming subject to *The On-*
tario Mining Companies Incorporation Act, and to other ex-
 isting Acts of the Legislature of Ontario, and to have its
 powers increased and added to, and has, by its petition, prayed
 that an Act may be passed for the purposes aforesaid; and
 whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The incorporation of The Algoma Steel Company, Limi-
 ted, on the 10th day of May, 1901, by letters patent set out in
 the schedule to this Act is confirmed and declared to be legal
 and valid, and the said company is declared to be a body cor-
 porate and politic, duly incorporated under the provisions of
The Ontario Companies Act with the rights, powers and privi-
 leges in the said letters patent of incorporation mentioned.

Incorporation confirmed.

2. In addition to all other rights, powers and privileges con-
 ferred on the said company by said letters patent of incorpor-
 ation and by *The Ontario Companies Act* and amendments
 thereto, the said company shall have the powers mentioned and
 set out in section 4 of *The Ontario Mining Companies Incor-*
poration Act, but save as aforesaid none of the provisions of
The Ontario Mining Companies Incorporation Act shall
 apply to or affect the said company.

Company to have certain powers under Rev. Stat. c. 197.

3. The said company has and has had from the date of in-
 corporation power to subscribe for, take, hold or purchase the
 shares, stock, bonds and debentures or other securities of any
 company heretofore or hereafter incorporated, having for its
 object, or any of its objects, the promotion of any of the objects
 which

Purchasing stock in other companies.

which the said The Algoma Steel Company, Limited, is authorized to carry out, or any object ancillary thereto or connected therewith, and the said The Algoma Steel Company, Limited, may advance money by way of mortgage or otherwise thereon and may sell, assign, transfer, hypothecate or otherwise dispose of such shares, stock, bonds, debentures or other securities, but nothing in this section contained shall authorize the said company to carry on the general business of a loan corporation within the meaning of *The Loan Corporations Act*, and the said Act shall not apply to the said company.

SCHEDULE A.

LETTERS PATENT INCORPORATING THE ALGOMA STEEL COMPANY, LIMITED.

O. Mowat.

C A N A D A.

PROVINCE OF ONTARIO.

Edward The Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc., etc.

To all to whom these presents shall come, greeting.

Whereas *The Ontario Companies' Act* provides that with the exceptions therein mentioned the Lieutenant-Governor of our Province of Ontario in Council may by Letters Patent under the Great Seal create and constitute bodies corporate and politic for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends.

And whereas by their petition in that behalf the persons herein mentioned have prayed for a charter constituting them a body corporate and politic for the due carrying out of the undertaking hereinafter set forth.

And whereas it has been made to appear to the satisfaction of our Lieutenant-Governor in Council that the said persons have complied with the conditions precedent to the grant of the desired charter and that the said undertaking is within the scope of the said Act.

Now therefore know ye that by and with the advice of the Executive Council of our Province of Ontario and under the authority of the hereinbefore in part recited Statute and of any other power or authority whatsoever in us vested in this behalf, we do by these our Letters Patent create and constitute the persons hereinafter named, that is to say, Edward Varian Douglas, Manufacturer; William Kuhl Stager, Accountant; and John S. Freemann, Attorney at-law, all of the City of Philadelphia in the State of Pennsylvania, one of the United States of America; Francis Hector Clergue, Manufacturer, and Henry Coulthard Hamilton, Barrister-at-law, both of the Town of Sault Ste Marie in the District of Algoma and Province of Ontario, and any others who become subscribers to the Memorandum of Agreement of the Company and their successors respectively a corporation for the purposes and objects following, that is to say: —(a) To manufacture and deal in iron, steel, and nickel and the products thereof; (b) to manufacture charcoal and bye-products, coke and bye-products, and to deal in wood and the products thereof, and (c) to carry on the business of an engineer and contractor for the manufacture and building of iron and steel railway and highway bridges, cars and locomotives, steamships or other water craft, buildings and other structures and in connection with the business and purposes of the company (1) To acquire water powers and other rights and privileges, and to de-

velop and utilize the same. (2) To construct, acquire, navigate and dispose of steam and other vessels for the purpose of transporting ores, coal, coke and other necessities required for the business of the company, and also for shipping the products of the mill furnaces, mines and works. (3) To issue paid up shares of the capital stock of the company for lands, materials for building purposes, machinery, tools, appliances, real and personal property, contracts, claims, mining location privileges, patents of invention or other rights. (4) To acquire on any terms that may be agreed upon the business, good will and property of any other company having objects wholly or in part similar to those of the company hereby incorporated, and to undertake, assume or pay any of the obligations or liabilities connected therewith. and (5) to subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any company having objects wholly or in part similar to those of the company hereby incorporated, or having for its objects or any of its objects the promotion of any of the objects which the company hereby incorporated is authorized to carry out, or any objects ancillary thereto or connected therewith ; to subscribe for, take hold, or purchase the shares, stock, bonds and debentures or other securities of any company which may wholly or in part derive its rights, privileges or franchises from the company hereby incorporated, and to sell, assign, transfer, hypothecate, or otherwise dispose of such shares, stock, bonds, debentures, or other securities ; provided, however, the directors have first been expressly authorized by by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of the by-law.

The corporate name of the company to be The Algoma Steel Company, Limited.

The share capital of the company to be twenty million dollars divided into two hundred thousand shares of one hundred dollars each ; the head office of the company to be at the said Town of Sault Sainte Marie and the provisional directors of the company to be Edward Varian Douglas, William Kuhl Stager, John S. Freemann, Francis Hector Clergue and Henry Coulthard Hamilton, hereinbefore mentioned.

In testimony whereof we have caused these, Our letters to be made patent and the great seal of Our Province of Ontario to be hereunto affixed.

WITNESS :—The Honourable Sir Oliver Mowat, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Privy Council for Canada and Lieutenant Governor of Our Province of Ontario.

At Our Government House in Our City of Toronto in Our said Province this tenth day of May in the year of Our Lord one thousand nine hundred and one and in the first year of Our Reign.

By Command,

J. R. STRATTON,
Provincial Secretary.

J. M. GIBSON,
Attorney General.

Recorded 16th day of May, A.D. 1901, as No. 8.

JOHN F. USSHER,
Deputy Registrar.

CHAPTER 100

An Act respecting The Algoma Tube Works, Limited.

Assented to 17th March, 1902.

Preamble.

WHEREAS The Algoma Tube Works, Limited, was incorporated under the provisions of *The Ontario Companies Act*, by Letters Patent under the Great Seal bearing date the 30th day of December, 1901, with the rights, powers and privileges in the said Letters Patent mentioned; and whereas the said company desires to have its incorporation confirmed, and to be authorized to engage in mining and other operations incidental thereto without thereby becoming subject to *The Ontario Mining Companies Incorporation Act*, and to other existing Acts of the Legislature of Ontario, and to have its powers increased and added to, and has, by its petition, prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation confirmed.

1. The incorporation of The Algoma Tube Works, Limited, on the 30th day of December, 1901, by Letters Patent set out in the Schedule to this Act is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of *The Ontario Companies Act*, with the rights, powers and privileges in the said Letters Patent of incorporation mentioned.

Company to have certain powers under Rev. Stat. c. 197.

2. In addition to all other rights, powers and privileges conferred on the said company by said Letters Patent of incorporation and by *The Ontario Companies Act* and amendments thereto, the said company shall have the powers mentioned and set out in section 4 of *The Ontario Mining Companies Incorporation Act* but save as aforesaid none of the provisions of *The Ontario Mining Companies Incorporation Act* shall apply to or affect the said company.

Power to purchase stock in other companies.

3. The said company has, and has had from the date of incorporation power to subscribe for, take, hold or purchase the shares, stock, bonds, and debentures or other securities of any company heretofore or hereafter incorporated, having for its object, or any of its objects, the promotion of any of the objects which

which the said The Algoma Tube Works, Limited, is authorized to carry out, or any object ancillary thereto or connected therewith, and the said The Algoma Tube Works, Limited, may advance money by way of mortgage or otherwise thereon and may sell, assign, transfer, hypothecate or otherwise dispose of such shares, stocks, bonds, debentures or other securities, but nothing in this section contained shall authorize the said company to carry on the general business of a loan corporation within the meaning of *The Loan Corporations Act*, and the said Act shall not apply to the said company.

SCHEDULE A.

Letters Patent incorporating The Algoma Tube Works, Limited.

O. Mowat.

CANADA, PROVINCE OF ONTARIO.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc. To all to whom these presents shall come, Greeting :—

Whereas the Ontario Companies Act provides that with the exceptions therein mentioned the Lieutenant Governor of Our Province of Ontario in Council may by Letters Patent under the Great Seal create and constitute bodies corporate and politic for any of the purposes or objects to which the Legislative authority of the Legislature of Ontario extends

And whereas by their Petition in that behalf the persons herein mentioned have prayed for a Charter constituting them a body corporate and politic for the due carrying out of the undertaking hereinafter set forth.

And whereas it has been made to appear to the satisfaction of Our Lieutenant Governor in Council that the said persons have complied with the conditions precedent to the grant of the desired Charter, and that the said undertaking is within the scope of the said Act.

Now therefore know ye that by and with the advice of the Executive Council of Our Province of Ontario, and under the authority of the hereinafore in part recited Statute, and of any other power or authority whatsoever in Us vested in this behalf ;

We do by these Our Letters Patent create and constitute the persons hereinafter named, that is to say Edward Varian Douglas and Walter Pearce Douglas, Manufacturers, Frank Spencer Lewis, Railway Manager, and John Sloe Freemann, Attorney at Law, all of the City of Philadelphia in the State of Pennsylvania, One of the United States of America, and Francis Hector Clergue, Manufacturer, and Henry Coulthard Hamilton, Barrister at Law, both of the Town of Sault Ste. Marie, in the District of Algoma and Province of Ontario, and any others who become subscribers to the Memorandum of Agreement of the company and their successors respectively, a corporation for the purposes and objects following, that is to say to manufacture and deal in metallic tubes and for the said purposes (a) to manufacture all kinds of necessary machinery and apparatus, and to carry on the business of ironmaster, steel maker, steel converter, coke and charcoal manufacturer, smelter, engineer, tin plate maker, brass founder, iron founder, and brickmaker in all their respective branches, (b) To acquire on any terms that may be agreed upon the business, goodwill and property of any individual, co-partnership or other company having objects wholly or in part similar to those of the company hereby

hereby incorporated, and to undertake, assume or pay any of the obligations or liabilities connected therewith, (c) To purchase or otherwise acquire and to use, exercise, develop, and grant patents, licenses, concessions and other rights or franchises, or any interests therein conferring an exclusive or non-exclusive, or limited right, use or any secret or any other information as to any invention in relation to the manufacture of metallic tubes, and to machinery or apparatus to be employed in the said manufacture or in connection with the business of the company, and in particular to acquire from The Perrins Limited, a corporation duly incorporated under The Companies Acts (1862-1898 Imperial), or from its a-signees the benefit of certain existing inventions made by one Harry Perrins and others for improvements in the manufacture of metallic tubes, and in machinery and apparatus to be employed in the said manufacture, in respect of which Letters Patent have heretofore been or may hereafter be granted, and (d) To subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any company having objects wholly or in part similar to those of the company hereby incorporated, or having for its objects or any of its objects the promotion of any of the objects which the company hereby incorporated is authorized to carry out, or any objects ancillary thereto or connected therewith to subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any company which may wholly or in part derive its rights, privileges or franchises from the company hereby incorporated, and to sell, assign, transfer, hypothecate, or otherwise dispose of such shares, stock, bonds, debentures or other securities, provided however the Directors have first been expressly authorized by by-law passed by them for the purpose, and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of the by-law. The corporate name of the company to be The Algoma Tube Works, Limited. The share capital of the company to be thirty millions of dollars, divided into three hundred thousand shares of one hundred dollars each. The head office of the company to be at the said Town of Sault Sainte Marie, and the provisional directors of the company to be Edward Varian Douglas, Walter Pearce Douglas, Frank Spencer Lewis, John Sloe Freemann, Francis Hector Clergue, and Henry Coulthard Hamilton hereinbefore mentioned, and we hereby authorize the company to hold its meetings without the province.

In testimony whereof we have caused these our letters to be made patent and the Great Seal of Our Province of Ontario to be hereunto affixed.

Witness. The Honourable Sir Oliver Mowat Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Privy Council for Canada and Lieutenant-Governor of Our Province of Ontario.

At Our Government House in Our City of Toronto in Our Said Province this thirtieth day of December, in the year of our Lord One thousand nine hundred and one, and in the first year of Our Re gn.

By Command

J. R. STRATTON,
Provincial Secretary.

J. M. GIBSON,
Attorney General.

Recorded 7th day of January, A. D. 1902, as No. 22.

GEORGE HOBBS,
Provincial Deputy Registrar.

CHAPTER 101

An Act to incorporate The Huronian Company,
Limited.*Assented to 17th March, 1902.*

WHEREAS Robert Means Thompson, of the City of Preamble.
Bayonne, in the State of New Jersey, gentleman; John
Jamieson Thompson, of the City of Bayonne, in the State of
New Jersey, gentleman; Robert Gilmour Leckie, of Truro, in
the Province of Nova Scotia, engineer; Wallace Nesbitt, of the
City of Toronto, King's Counsel, and Robert McKay, of the
City of Toronto, Barrister-at-Law, have by their petition
represented that they desire to be incorporated under the
name of The Huronian Company, Limited, for the purpose of
acquiring and utilizing water power in the District of Algoma
for the purpose of developing electrical power and energy
therefrom, and transmitting the same for the purpose of work-
ing mines and mining properties in the district surrounding
the Towns of Sudbury and Copper Cliff, and that in connec-
tion therewith they further purpose to supply power to, and
also to acquire or construct smelting and other works for the
treatment of ores produced in that region; and further, that
the said company desires in connection with their operations
to make arrangements for the transportation of the product of
mines in said region to smelters for the purpose of treatment,
and that for such purpose, as also for the purpose of taking in
supplies to said mines, it will become desirable and necessary
for the said company to construct tramways to connect mines
or mining properties either with the lines of The Canadian
Pacific Railway or The Manitoulin and North Shore Railway in
such district, or to connect such mines or mining property
with any smelting or reduction works owned or controlled by
the said company; and whereas the completion of the said
undertaking of the said company would greatly stimulate and
assist the development of the said region by affording facilities
for economical mining and smelting, and further by facilitat-
ing the transportation of ores from mines now existing or
which may hereafter be opened to smelting and reduction
works; and whereas it is expedient to grant the prayer of the
said petition;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Robert Means Thompson, John Jamieson Thompson, Incorporation.
Robert Gilmour Leckie, Wallace Nesbitt, Robert McKay, and
such

such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated are hereby constituted a body corporate and politic under the name of The Huronian Company, Limited, hereinafter called the Company.

Provisional
Directors.

2. The first five persons mentioned in the next preceding section are hereby constituted the first or provisional directors of the company.

Capital stock.

3. The capital stock of the company shall be one million dollars divided into ten thousand shares of one hundred dollars each.

Head office.

4. The head office of the company shall be at Copper Cliff, in the Province of Ontario.

Powers of
company.

5. The company may :

(a) Acquire and operate mines, minerals and mining rights

Mines and
mining.

(b) Smelt, reduce, amalgamate, and in any other manner manufacture and treat metals, minerals and ores and dispose thereof, and generally carry on the business of manufacturing therefrom.

Acquiring
patent rights
and water
privileges etc.

(c) Acquire patent rights, letters patent of invention or any interest therein, processes, options, powers, water and other rights and privileges and such other real and such personal property as it may require and again dispose thereof.

Telegraph and
telephone
lines, wharfs
etc.

(d) Construct and operate in connection with its said business telegraph and telephone lines; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the said city, town or village being first obtained by the said company; and provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Vessels.

(e) Construct, acquire, navigate and employ steam and other vessels for the purpose of transporting the produce of its mills, mines and works to any place in Canada or elsewhere.

Transmitting
power.

(f) Erect poles, construct trenches or conduits, and do all other things necessary for the transmission of power, heat or light as the circumstances of the case may require within the region in the Districts of Algoma and Nipissing, described as follows: Commencing at the north-east corner of the Township of Rathbun; thence running south along the east line of the said Township of Rathbun and the townships lying to the south thereof to the French River; thence following the course of the French River to Lake Huron; thence along the water's edge on the north

north shore of Lake Huron to the mouth of the Spanish River at the point where the line between the Townships of Shedden and Victoria intersects the water's edge; thence north along the said line between the Townships of Shedden and Victoria and the production thereof northerly to a point where the said line is intersected by the production westerly of the northerly limit of the Township of Craig; thence easterly, following the said production westerly of the northerly limit of the Township of Craig, and along the northern boundaries of the said Township of Craig and of the townships to the east thereof to the north-east corner of the Township of Rathbun, the place of beginning.

(g) Acquire by purchase or lease timber lands, timber licenses or timber, and sell and dispose thereof or manufacture and sell timber and lumber of all kinds for the purpose thereof, and to acquire any properties that may be necessary for the working thereof and acquire and dispose of any mills or other facilities necessary for the said business. Timber licenses, etc.

6. The company shall have and may exercise all the powers set forth in subsections (a), (b), (c), (d), (e), (f), (g), (h) and (i) of Section 4 of *The Ontario Mining Companies Incorporation Act*, but save as aforesaid the said Act shall not apply to the company hereby incorporated. Powers of Company under Rev. Stat. c. 197.

7. The company may acquire lands within the region in the said Districts of Algoma and Nipissing, described as follows: Commencing at the north-east corner of the Township of Rathbun; thence running south along the east line of the said Township of Rathbun and the townships lying to the south thereof to the French River; thence following the course of the French River to Lake Huron; thence along the water's edge on the north shore of Lake Huron to the mouth of the Spanish River at the point where the line between the Townships of Shedden and Victoria intersects the water's edge; thence north along the said line between the Townships of Shedden and Victoria, and the production thereof northerly to a point where the said line is intersected by the production westerly of the northerly limit of the Township of Craig; thence easterly, following the said production westerly of the northerly limit of the Township of Craig, and along the northern boundaries of the said Township of Craig and of the townships to the east thereof to the north-east corner of the Township of Rathbun, the place of beginning, and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power or energy or other motive power thereon, and may within the said districts aforesaid dispose thereof and otherwise deal with same.

8. The company is hereby authorized and empowered to survey, lay out, construct, make, build, equip, maintain and operate

operate tramways of the standard gauge of four feet eight and one-half inches, to be operated by steam or electricity, or partly the one and partly the other, to connect any mine or mining property which now is or shall hereafter be open for development within the Districts of Algoma and Nipissing, and within the hereinbefore described region in the said districts as aforesaid, with The Canadian Pacific Railway or with The Manitoulin and North Shore Railway, or to connect such mine or mining property with any smelting or reduction works owned or controlled by the company or such mine or works with navigable water.

Rev. Stat.,
c. 207.

(2) All the provisions of *The Railway Act of Ontario* shall, except where inconsistent with this Act, apply to any tramway constructed by the company hereunder and to the construction thereof.

Power works.

9. The Company is hereby authorized to acquire and utilize water and steam power for the purpose of compressing air and generating electricity for lighting, heating and motor purposes and may sell, dispose of and distribute the same either as water or other motive power, or by converting the same into electricity or other force for the distribution of light, heat or power or for all purposes for which electricity or other motive power can be used, and may construct, maintain, and operate lines of wire, tunnels, conduits, and other works in the manner and to the extent required for the corporate purposes of the company, and may conduct, store, sell and supply electricity and pneumatic power, and may with such conduit, motor or other conductors or devices, conduct convey, furnish or receive such electricity to or from any person or corporation at any place or places, through, over or along or across any public highways, bridges, water courses or over such place or over or under any waters, and may enter upon any lands on either side of such line or lines, conduit or conduits and fell or remove any trees or limbs thereof or other obstructions necessary in the opinion of the engineer to guard the safety of such line or lines, conduit or conduits, and the company may enter upon any lands or places and survey, set off and take such part thereof as may be necessary for such line or lines, wire conduit or conduits, but in case of disagreement between the company and any owner or occupier of lands which the company may take for the purpose aforesaid, or in respect of any damages done to the same by constructing the line or lines, conduit or conduits upon the same the company, or such owner or occupier, as the case may be shall each choose an arbitrator which said two arbitrators shall choose a third and the decision of the matter in difference of any two of them in writing shall be final and if the said owner or occupier or the said company fails to appoint an arbitrator for seven clear days after the party having appointed his arbitrator has served the other party with notice to make the appointment, the

the party who has appointed the arbitrator and served such notice as aforesaid may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be binding on both parties as if he had been appointed by consent, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator in any such case it shall be lawful for the Minister of Public Works for the Province of Ontario for the time being to nominate any such third arbitrator who shall possess the same power as if chosen in manner above provided.

(2) All the powers given by this section shall be exercisable by the company only within the region in the said Districts of Algoma and Nipissing, described as follows: Commencing at the north-east corner of the Township of Rathbun, thence running south along the east line of the said Township of Rathbun and the townships lying to the south thereof to the French River, thence following the course of the French River to Lake Huron, thence along the water's edge on the north shore of Lake Huron to the mouth of the Spanish River at the point where the line between the Townships of Shedden and Victoria intersects the water's edge, thence north along the said line between the Townships of Shedden and Victoria and the production thereof northerly to a point where the said line is intersected by the production westerly of the northerly limit of the Township of Craig, thence easterly following the said production westerly of the northerly limit of the Township of Craig, and along the northern boundaries of the said Township of Craig and of the townships to the east thereof to the north-east corner of the Township of Rathbun, the place of beginning.

10. The directors may make and issue as paid-up stock, shares of the capital stock of the company, in payment of and for any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets, and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation, or to its shareholders and may also issue, as paid up and unassessable shares of the capital stock of the company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, or material of any kind and any such issue and allotment of stock shall be binding on the company and such stock shall not be assessable for calls nor shall holders thereof be liable in any way thereon, and the company may pay for any such property wholly or partly in paid up shares or wholly or partly in bonds or debentures as to the directors may seem proper.

Issuing paid up stock in payment for certain purposes.

11. Aliens and foreign corporations as well as British subjects whether resident in Canada or elsewhere, may be share-

Rights of Aliens.

holders

holders in the company and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be eligible to hold office as directors or otherwise in the company, and in all other ways shall enjoy all other rights or privileges as shareholders as they could do if British subjects.

Application of
certain
sections of
Rev. Stat.
c. 207.

12. Sections, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight of *The Railway Act of Ontario* shall apply to the company and such sections shall be read with and as forming part of this Act.

Wherever in *The Railway Act of Ontario* the word "company" occurs it shall mean "the company hereby incorporated"

Wherever in *The Railway Act of Ontario* the word "railway" occurs it shall (unless the context otherwise requires) and in so far as it applies to the provisions of this Act, mean the works, conduits, lines, cables, or other works authorized by this Act to be constructed.

Wherever in the said sections of *The Railway Act of Ontario* the word "land" occurs it shall be held to include any privilege or easement required by the company for constructing the works authorized by this Act or any portion thereof and over or along any land without the necessity of acquiring a title in fee simple thereto.

CHAPTER 102

An Act to incorporate the Northern Power Company.

Assented to 17th March, 1902.

WHEREAS Thomas Harold Brunton, gentleman, David Lloyd, clerk of Division Court, Albert Edward Widdifield, bailiff, Isaac M. Hogg, lumberman, all of the Town of Newmarket, in the County of York, and Jess M. Walton, of the Village of Aurora, in the said county, banker, have by their petition prayed that an Act may be passed incorporating them as a company for the purpose of developing or acquiring electrical power and supplying the same to municipalities and private persons and companies in the counties of York and Simcoe; and whereas *The Act respecting the incorporating of Companies for supplying Steam, Heat, Light or Power* is limited in its application to a company incorporated for the purpose of supplying electricity within a particular municipality; and whereas it appears that it would be a great public convenience to municipalities situate in the said counties to be supplied with electricity by one company and such supply could be obtained at less expense than by the incorporation of separate companies in such municipalities; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas Harold Brunton, gentleman; David Lloyd, clerk of division court; Albert Edward Widdifield, bailiff; Isaac M. Hogg, lumberman, all of the Town of Newmarket, in the County of York, and Jess M. Walton, of the Village of Aurora, in the County of York, banker, and such other persons, firms and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of the Northern Power Company, hereinafter called "The Company."

Incorporation.

Corporate name.

2. The head office of the company shall be at the Town of Newmarket, or at such other place within the Counties of York and Simcoe as the directors of the company may by by-law determine.

Head office.

3. The

Provisional
directors.

3. The persons named in the first section of this Act shall be the provisional directors of the company, four of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the company only.

Capital stock.

4. The capital stock of the company shall be \$40,000, divided into shares of one hundred dollars each, and may be called up from time to time by the directors by by-law as they may deem necessary.

First meeting
of share-
holders.

5. So soon as fifty per cent. of the amount of the capital stock has been subscribed, and fifty per cent. thereon has been paid into one of the chartered banks of Canada, the provisional directors or a majority of them shall call a general meeting of the shareholders to be held at the Town of Newmarket, or such other place as they may determine, for the purpose of electing the first directors of the company, and notice thereof shall be given, signed by or on behalf of the provisional directors calling such meeting, of the date and place of holding the same, mailed, postage pre-paid, to the post office address of each shareholder not less than fifteen days previous to the holding of such meeting.

Notice.

Annual
meeting.

6. The annual general meeting of the shareholders shall be held on the last Tuesday in February in each year, or upon such other day in each year as the directors of the company may from time to time by by-law determine.

Directors.

7—(1). At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock present in person or represented by proxy, who have paid all calls due on their shares, shall choose not less than five nor more than nine persons, each of whom shall hold at least ten shares of the capital stock of the company, to be directors of the company; three directors shall form a quorum, and one or more of them may be paid directors of the company.

(2) The directors elected at the first general meeting of shareholders shall hold office until the first annual meeting of the company.

General
powers.

8. The company may within the Townships of Morrison and Wood in the District of Muskoka and the counties of York and Simcoe and the several municipalities thereof:

(a) Produce, manufacture, acquire, supply, sell and dispose of electricity for heat, light and power, and for any other purposes for which the same may be used;

(b) Acquire, manufacture, construct, lay, erect, maintain, complete and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery

machinery as are or may be used in any way in connection with the business of production, manufacture, acquisition and supply of electric current or electricity for any purpose, and may lease, sell or otherwise deal with or dispose of the same ;

(c) Acquire by purchase, license, lease or otherwise, and use, license or otherwise dispose of electricity, electric current and any real and personal property, water powers, rights, easements and privileges in connection with the production, manufacture or supply of electricity and electric current for heat, light or power, or for any other purposes for which the same may be used.

(d) Construct transmission lines and maintain and operate wires to conduct electricity and electric current for the purposes aforesaid, over, along and across the highways, roads, streets and public places of the several and respective municipalities of York and Simcoe and the Townships of Morrison and Wood in the District of Muskoka, or any of them, provided always that the powers given by this subsection shall only be exercised under and subject to such agreement in respect thereof as shall be made between the company and any of such municipalities, and under and subject to any by-law of the council of the municipality passed in pursuance thereof; and over and across private property with the assent of the owner or occupant thereof.

9. The company may with the consent of the shareholders as shewn by a resolution passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the company, purchase, lease or otherwise acquire and take over in whole or in part under a mutual agreement between the company and any other corporation which has been or may be authorized to exercise similar powers within and throughout the municipalities in the said Counties of York and Simcoe, or any one or more of them, and may thereafter hold, exercise and enjoy the property, rights, powers and privileges of any such corporation, and may pay the consideration therefor in paid up capital stock of the company, or in debentures or otherwise as may be agreed upon, and may also undertake, assume and pay the obligations, contracts and engagements of the said corporation, and may also purchase or otherwise acquire the shares of the said corporation; and every such corporation is hereby authorized and empowered to make and enter into any such agreement.

Power to acquire rights and privileges of other corporations.

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, whether resident in this Province or elsewhere, and municipal corporations in the said counties of York and Simcoe, may be shareholders in the company, and corporations may appoint any one or more members of the board of directors or council of such corporation to represent such corporation, and he and they shall be entitled to act

Corporations may be shareholders.

act and vote and shall be eligible to hold the office of director of the company.

Paid up shares may be issued in payment for properties acquired.

11. The directors of the company may with the sanction of two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same, make and issue as paid up and non-assessable shares of the capital stock of the company in payment for the business, franchises, undertaking, property, rights, powers, privileges and assets which may be acquired as aforesaid, and may allot and hand over such shares to the said corporations or any one or more of them respectively, or to their shareholders respectively, as may be agreed upon.

Issue of bonds or debentures authorized.

12. The directors may from time to time for the purposes of the company, when authorized by by-law for that purpose passed and approved of by the votes of the holders of at least two-thirds in value of the stock of the company qualified to vote, present in person or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent. of the then paid up capital stock of the company, as the shareholders deem necessary, and issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rates of interest and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion or portions of the property of the company as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Directors may borrow money on security of company's property.

13. The directors of the company may in addition to the powers conferred by the next preceding section of this Act, from time to time at their discretion borrow money for the purposes of the company and secure the repayment of any of the moneys so borrowed, or any other moneys owing by the company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of all or any of the assets and property of the company; provided that the amount so borrowed shall not at any time be greater than twenty-five per cent. of the paid up stock of the company, but the limitation made by this section shall not apply to commercial paper discounted by the company, or to the borrowing powers conferred by the next preceding section of this Act.

Increase of capital stock.

14. After the whole of the capital stock hereby authorized has been subscribed and fifty per cent. thereon paid up, the capital stock of the company may be increased from time to time to an amount not exceeding five hundred thousand dollars by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the company, present in person or represented

represented by proxy, at a special general meeting of the shareholders duly called for considering the same; and such increased capital stock shall only be issued on payment of the fees established in that behalf, and shall be dealt with in the same manner as the original capital stock of the company.

15 The directors may issue and sell or pledge all or any of the bonds or debentures authorized as aforesaid at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or may use all or any of the said bonds for the purposes hereinbefore provided. Sale of bonds.

16. The company may grant to the holders of such bonds or debentures, or to the trustees named in the mortgage deed, all and every such powers, rights and remedies as the directors may think expedient, and all such rights, powers and remedies shall be valid and available to the holders of such bonds and debentures in the manner therein mentioned. Rights of holders of bonds.

(a) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(b) It shall not be necessary in the exercise of powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond or debenture issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels had been fully complied with. Rev. Stat. c. 148.

17. Until they have been surrendered and lawfully cancelled the bonds or debentures hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the powers and privileges acquired under this Act, and the franchises, undertaking, income, rents and revenues, and real and personal property mentioned in the said mortgage. Bonds first lien.

18. The

Exercise of
power to issue
bonds.

18. The power of issuing bonds conferred upon the company shall not be considered as being exhausted by any single issue, but such power may from time to time be exercised upon the bonds constituting any issue being withdrawn or paid off and duly cancelled.

Right of
holder of
bond.

19. Each holder of the said bonds or debentures shall be deemed to be a mortgagee *pro rata* with all other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or debentures, or interest thereon, except through the trustee or trustees appointed by or under the mortgage deed.

Voting powers
of holder of
bond.

20. If the company makes default in paying the principal of or interest on any of the bonds or debentures hereby authorized at the time when the same becomes due and payable, then at the next annual meeting of the company, and at all subsequent meetings, all holders of bonds or debentures remaining in default shall in respect thereof have and possess the same rights and privileges for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond or debenture in respect of which he claims to exercise such rights has been registered in his name at least ten days before the exercise of the right to vote thereon, and the Company shall be bound on demand to register such bonds or debentures and any transfers thereof in the same manner as shares or transfers of shares.

Power to
enter premises
of customer in
certain cases.

21. If a customer of the company gives notice of his intention to discontinue the use of electricity or electric current furnished by the company, or if the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may at all reasonable times enter the premises in and upon which such customer was supplied with electricity or electric current, for the purpose of removing therefrom any fittings, machines, apparatus, wires or other things, being the property of the company in or upon such premises, and may remove the same, doing no unnecessary damage.

Company may
cut off supply
of electricity
on non pay-
ment of rent.

22. If any person supplied by the company with electricity or electric current neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company or any person acting under its authority, on giving seven days' previous notice may stop the supply of electricity or electric current from entering the premises of the person in arrears as aforesaid by cutting off the service wires or wire, or by such other means as the company or its officers.

officers see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off the electric current, in any competent court notwithstanding any contract to furnish for a longer time.

23. In all cases where the company may lawfully cut off and take away the supply of electricity or electric current, the company may enter and remove and take away any wire, meter, guard, fittings or apparatus, the property of and belonging to the company, and any servant of the company duly authorized may enter any building or premises into which electricity or electric current has been carried for the purpose of examining any wires, fittings or apparatus belonging to the company, and making any necessary repairs thereof.

24. The word "corporation" as hereinbefore mentioned shall extend to and include the said Townships of Morrison and Wood and the municipal corporations within and throughout the said Counties of York and Simcoe.

CHAPTER 103

An Act to authorize The Royal Trust Company to do business in the Province of Ontario.

Assented to 17th March, 1902.

Preamble.

WHEREAS The Royal Trust Company, (hereinafter called "The Company,") has by its petition represented that it was incorporated by an Act of the Legislature of the Province of Quebec, passed in the 55th and 56th year of the reign of Her late Majesty Queen Victoria, Chapter 79, (1892), which said Act was amended by an Act of the said Legislature passed in the same year, Chapter 80, (1892), and was further amended by an Act of the said Legislature passed in the 59th year of the reign of Her said late Majesty, Chapter 67, (1895) and was further amended by an Act of the said Legislature passed in the 63rd year of the reign of Her said late Majesty, Chapter 76 (1900), and that its present capital is five hundred thousand dollars all of which has been issued and allotted and of which 50 per cent., or two hundred and fifty thousand dollars has been paid in cash; and whereas "The Company has prayed for the passing of an Act authorizing it to transact only the business of a Trust Company in the Province of Ontario in conformity to the public general law thereof;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
carry on
business in
Ontario.
Rev. Stat.
c. 205.

1.—(1) After giving security to the satisfaction of the Lieutenant-Governor of Ontario in Council in a sum of not less than \$200,000 the company shall, upon filing with the Registrar appointed under *The Loan Corporations Act* the power of attorney required by section 108 of the said last mentioned Act, and upon being registered under the said Act, be authorized and empowered to carry on and exercise in the Province of Ontario the business of a Trust Company with the powers set forth in the Schedule to *The Ontario Trust Companies Act*.

Rev. Stat.
c. 206.

Increase of
security from
time to time.

(2) The Lieutenant-Governor in Council may at any time or from time to time increase the amount of such security by a notice in writing to the manager or secretary of the chief agency of the company in the Province of Ontario; and if the company fails to furnish such increased security within two months

months after such notice, then and thereupon the company shall *ipso facto* become disentitled and shall cease to do further business in the said Province.

(3) The chief agency of the company for the Province of Ontario shall be in the City of Toronto, and the company shall keep at the said chief agency a manager and secretary, who, as well as all other officers at the said agency, or in the said Province, shall in respect of all business transacted by the company in the said Province be absolutely subject to the control of the courts of the said Province as fully as if the head office of the company were within the said Province, and as if the company were wholly managed and controlled therein.

Chief agency
in the Pro-
vince.

(4) All the investments of the company in respect of all trust business entrusted to it in the Province of Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the High Court of Justice or of any judge thereof) be wholly invested at one or other of the agencies of the company in the said Province; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies, and under the control of the courts of the said Province. The said trust securities shall (subject to the provisions of the said instrument of trust) be securities in which trustees are by the law of the said Province authorized to invest trust funds.

Investments.

(5) The company shall be limited in respect of all business relating to property, rights or interests in the Province of Ontario, to the powers mentioned in the schedule to *The Ontario Trust Companies Act*, and shall be subject to the general provisions of the said Act and of the general public law of the said Province relating to trust companies and trusts.

Company to
be subject to
the general
public law of
Ontario
relating to
trust com-
panies and
trusts.

2.—(1) The money and securities of each trust shall always be kept distinct from those of the company, and in separate accounts, and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company, and at no time shall trust moneys form part of, or be mixed with, the general assets of the company.

Trust funds
how to be
kept.

(2) Moneys, properties and securities received or held by the company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the company.

Trust or
agency funds
not liable for
debts of com-
pany.

3. In case of the appointment of the company to any trust or office by any court or judge in Ontario such court or judge may at any time, and from time to time, require the company to render an account of its administration of the particular trust or office to which the company has been so appointed, and

Accounts to
be rendered.

Investigation
into com-
pany's man-
agement.

and a Judge of the High Court may also at any time and from time to time, appoint a suitable person to investigate the affairs and management of the company, and as to the security afforded to those by or for whom its engagements are held, and such person shall make his report to such court or judge, and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

CHAPTER 104.

An Act respecting The Sao Paulo Tramway, Light and Power Company, Limited.

Assented to 17th March, 1902.

WHEREAS by letters patent under the Great Seal of the Province of Ontario dated the 7th day of April, A.D. 1899, The Sao Paulo Railway, Light and Power Company, Limited, was duly incorporated; and whereas by order of the Lieutenant-Governor in Council dated the 13th day of December, A.D. 1899, the corporate name of the said company was changed to the corporate name of The Sao Paulo Tramway Light and Power Company, Limited; and whereas by its petition the said company has prayed that it may be authorized to issue and dispose of certain preference stock and that a certain issue of first mortgage bonds made by the company and the mortgage securing the same may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Preface.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If authorized by resolution of the shareholders present in person or represented by proxy at a special general meeting of the company duly called for considering the same, passed by the vote of shareholders representing three-fourths of the outstanding capital stock of the company, the directors, by resolution may from time to time issue as preferred stock of the capital of the company and sell and dispose thereof, ten thousand shares of \$100 each, giving the same such preference and priority as respects dividends and otherwise, over the ordinary stock as may be declared by said resolution and the authorized capital of the company shall thereby be and become increased by the amount of preference stock so issued from time to time;

Preferred stock.

(a). The said resolution may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or it may give them such other control over the affairs of the company as may be considered expedient;

(b). The said resolution may also provide for the redemption or purchase or acquisition by the company of said preference stock, and for the cancellation and absolute extinguishment

ment thereof at such time and on such terms and conditions as may be deemed expedient;

Mortgage to
National
Trust Co.
confirmed.

2. The mortgage dated the 29th day of July A.D. 1901, made by The Sao Paulo Tramway, Light and Power Company, Limited, to The National Trust Company, Limited, trustee, a copy of which has been deposited in the office of the Provincial Secretary of the Province of Ontario, securing an issue of bonds of the company amounting to \$6,000,000, and the said bond issue are hereby confirmed and declared to be valid and binding.

CHAPTER 105.

An Act to incorporate the "Toronto Canoe Club."

Assented to 17th March, 1902.

WHEREAS the persons hereinafter named, together with Preamble.
 a large number of others, are associated together under the name of the "Toronto Canoe Club" for the purpose of providing the members thereof with suitable accommodation, means and appliances for the pursuit of canoeing, aquatic and other amateur sports as a pastime, and have, by their petition, prayed to be incorporated under the name of "Toronto Canoe Club"; and whereas the petitioners have in view the acquisition of certain leasehold property hereinafter referred to and described which however desirable for them to acquire will be more extensive than the purposes or objects of the club require, but the said property is incapable of division, and special legislation is necessary to enable the club to hold and deal with that portion of the said property not actually acquired for the purposes of the Club, and whereas it is expedient to grant the prayer of the said petition :

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas David Bailey, G. Walter Begg, John A. Muir-Incorporation.
 head, Philip J. Syms, Henry H. Mason, Edmund Eleazer King, Herbert Begg, William T. Wyndow, Herbert Rolph Tilley, Harry Ford, Charles Harold Willson, John Charles Iredale, Edward Beeton, James G. Ramsey, George Wilkie, the officers, and such other persons as now are or hereafter shall become members of the said club, shall be, and are hereby declared to be a body politic and corporate under the name of "Toronto Canoe Club," and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, have power to purchase, acquire, hold, possess, and to have, take and receive to them and their successors such lands, tenements, hereditaments and real and immovable property and estate, situate, lying and being within the City of Toronto, as may be necessary for the actual use or occupation of the club as a club house and dependencies, and the same to sell, alienate and dispose of, at such time, for such price, and on such terms as the club may deem proper, and with further power to hold the leasehold lands described

described in a lease from the corporation of the City of Toronto to one Thomas G. Elgie, which said lands are situate on the south side of Lake Street, in the City of Toronto, and extend to the new Windmill Line; and the said leasehold lands to hold, occupy, enjoy, alienate, dispose of, rent, let or lease on such terms as to rental or otherwise as the said "Toronto Canoe Club" may deem expedient, and subject to the terms and conditions of the said lease with power to make and receive any renewal or renewals of the said lease, and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto on any manner whatsoever; and the constitution, rules and regulations now in force touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the club; provided always that the said corporation may, from time to time, alter, repeal and change such constitution, rules and regulations of the club.

Property
vested in corp-
oration.

2. All property and effects now owned by or held in trust for the said association, are hereby vested in the club and shall be applied solely to the maintenance of the club.

Power to
borrow on
mortgage

3. It shall be lawful for the club to borrow money upon the credit of the club, and to hypothecate, pledge, or mortgage the real or personal property of the club to secure the repayment of any sum or sums of money so borrowed, together with such interest and on such terms as may from time to time be agreed upon.

Negotiable
instruments.

4. The club shall have power to draw, make, accept, endorse, all bills of exchange and promissory notes necessary for the purposes of the club under the hands of its commodore and treasurer by and with the authority of the executive committee of the club, and in no case shall it be necessary that the seal of the club be affixed to any such bill or note, nor shall the commodore or treasurer, or any other person or persons appointed in their place or stead, and so signing, as aforesaid, be personally or individually responsible therefor. Provided, that nothing herein contained shall be construed to authorize the club to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, notes or bills of a bank.

Limit of
ability of
members.

5. No member of the club shall be liable for any of the debts of the club. And no member of the club shall be liable as a contributory beyond the amount of his indebtedness to the club for his original entrance fee and annual subscription. And any member of the club, not being in arrear, may retire therefrom, and shall cease to be such member on giving notice to that effect, in such form as may be required by the by-laws thereof,

thereof, and from and after the expiration of such notice shall be wholly free from liability as a contributory.

6. It shall be lawful for the club to issue debentures to such amount as it may deem necessary, not exceeding in the aggregate the sum of \$20,000 for not less than \$25 each.

Power to
issue debentures.

7. The funds arising from the sale of such debentures shall be applied exclusively for the purchase of lands or buildings, for the erection of a club house and dependencies, and to furnishing the same.

Application
of proceeds
of debentures.

8. Such debentures may be issued for such term and at such rates as to the club shall seem expedient.

Term and
rate of interest.

CHAPTER 106.

An Act to amend the Act of Incorporation of The
Toronto Stock Exchange.

Assented to 17th March, 1902.

Preamble.

WHEREAS The Toronto Stock Exchange has, by its petition, represented that it was incorporated by Act of the Legislature of Ontario passed in the forty-first year of the reign of Her late Majesty Queen Victoria, chaptered 65, intituled "*An Act to incorporate The Toronto Stock Exchange*," that by the said Act of Incorporation, membership in the said Exchange was limited to persons residents of Toronto; and that it is desirable to extend the membership, so as to include persons resident elsewhere than in Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

41 V. c. 65, s.
5, amended.

1. Section five of chapter 65 of the Acts passed in the forty-first year of the reign of Her late Majesty Queen Victoria, intituled "*An Act to incorporate The Toronto Stock Exchange*," is amended by striking out the words "residents of Toronto" where they appear in the said section.

CHAPTER 107.

An Act to incorporate The Brantford Young Women's Christian Association.

Assented to 17th March, 1902.

WHEREAS an association under the name of The Brantford Young Women's Christian Association was incorporated on the eleventh day of May, 1895, under the *Act respecting Benevolent, Provident and Other Societies* being chapter 172 of the Revised Statutes of Ontario, 1887, and has since existed in the City of Brantford, having for its object the promotion of the spiritual, intellectual, social and physical welfare of young women, without reference to social or denominational distinction, under the constitution and by-laws of the said association, with power to amend or repeal the same, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the said association has by petition prayed that the said incorporation may be confirmed as hereinafter provided and that the powers of the said corporation may be defined and enlarged; and whereas it is expedient to grant the prayer of the said petition; .

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The incorporation of the said association is confirmed and The Brantford Young Women's Christian Association is declared to be a body corporate and politic and duly incorporated under the provisions of the *Act respecting Benevolent, Provident and Other Societies*, with the rights, powers and privileges in the said Act and the certificate of incorporation of the said association mentioned, and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies and bequests, and all titles, securities and instruments and all rights, claims and liabilities in favour of or against The Brantford Young Women's Christian Association are declared to be vested in and shall enure to or against The Brantford Young Women's Christian Association as fully and effectually to all intents and purposes as if the said association had been incorporated by an Act of the Province of Ontario. And the said corporation shall have power to acquire and hold real estate in the City of Brantford, providing the annual value of the real estate so held and not actually used for

Incorporation.

for the work of the said association shall not exceed at any one time \$10,000, and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed \$5000) by gift, devise or bequest if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years and may within that time alienate or dispose of the same; and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or other municipal debentures or other approved securities, for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

Objects of Corporation.

2. The object of the said corporation shall be the promotion of the spiritual, intellectual, social and physical welfare of young women by the maintenance and support of meetings, lectures, classes, reading rooms, library and such other means as may from time to time be determined upon.

Constitution of by-laws.

3. The constitution and by-laws by which the said association is now governed shall continue to be the constitution and by-laws of the said corporation; but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Officers of association continued.

4. The officers and members of the board of directors of the association at the time of the passing of this Act shall be the officers and members of the board of directors of the said corporation, and shall retain their respective offices and positions until others shall be elected in their place.

Annual returns.

5. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

Application of funds.

6. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

Real estate vested in corporation.

7. The real estate vested in the said corporation shall continue to be subject to existing encumbrances thereon, and shall be managed and controlled by the board of directors who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any

any part thereof, be liable for any future debts or obligations unless the debt or obligation shall have been contracted with the consent of the board of directors, expressed by resolution duly passed and recorded.

8. The corporation may by by-law increase or decrease the number of directors and provide as to their qualification, mode of election, and the time for which they shall hold office. Number of directors.

9. The said corporation shall have power to establish a system of technical education, including such branches of science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine. Technical Education.

10. The buildings of The Brantford Young Women's Christian Association and the land whereon the same are erected, so long as the same are occupied by and used for the purposes of the association shall be exempt from taxation except as to local improvements. Exemption from taxation.

11.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said corporation by any agent, officer or servant of the corporation, in general accordance with his powers as such under the by-laws of the corporation, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the corporation be thereby subjected individually to any liability whatsoever to any third party therefor. Certain contracts binding without seal.

(2) Nothing in this section shall be construed to authorize the corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

CHAPTER 108.

An Act to amend the Act to Incorporate Grace Hospital (Homeopathic).

Assented to 17th March, 1902.

WHEREAS by the Act passed in the 56th year of the reign of Her Late Majesty, Queen Victoria, chaptered 113, Grace Hospital (Homeopathic) was duly constituted and declared a body corporate; and whereas since the passing of the said Act the said hospital has been converted by the trustees into a general hospital, with medical staffs composed of representatives from both the allopathic and homeopathic schools of medicine; and whereas its operations have been greatly increased, and its sphere of influence greatly extended since the said hospital has been conducted as a general hospital, and the trustees by their petition have represented that it is desirable that the number of trustees should be increased to enable the affairs of the hospital to be more satisfactorily conducted, and certain other amendments made to the Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

“Grace Hos-
pital.”

1. The name of the said corporation is changed to, and the same shall hereafter be called and known as “Grace Hospital.”

Additional
trustees.

2. The trustees of the said corporation shall have power to appoint from time to time additional trustees to the number of not more than eight, so that the affairs of the said hospital shall be managed by a board composed of not less than five nor more than thirteen trustees.

“Board of
Governors.”

3. The said board of trustees shall be known as the Board of Governors, and the said trustees shall be designated and known as governors.

How new
trustees to be
appointed.

4. The appointment of additional trustees may be made at one time, or from time to time as the trustees may deem advisable, and every new trustee shall be appointed at a regular meeting of the trustees by a majority vote of the trustees, in the manner provided by section 5 of the said Act of incorporation, for filling a vacancy caused by death or resignation.

5 The trustees may by by-law enact that subscribers to the funds of the hospital of any sum or sums of money named in the by-law shall be entitled to a vote, and may enact that when such subscribers number five or more they shall be entitled to elect one or more of their number to the Board of Governors, either to complete the number of the said board or to fill any vacancy occurring through death or resignation. Such by-laws may define the number of elected governors, and the conditions and terms of office of such elected governor or governors.

Power to trustees to enact by laws.

CHAPTER 109.

An Act respecting The Presbyterian Ladies' College,
Ottawa.*Assented to 17th March, 1902.*

Preamble.

WHEREAS, the Presbyterian Ladies' College, Ottawa, have by their petition prayed that their Act of incorporation may be amended so as to change their name to The Ottawa Ladies' College, as herein set forth; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

61 V. c. 74, ss.
1, 4, amended.

1. Sections 1 and 4 of the Act passed in the 61st year of Her late Majesty's reign, Chapter 74, is amended by striking out the words "The Presbyterian Ladies' College, Ottawa," where the same occur in the said sections of the said Act, and substituting in lieu thereof the words "The Ottawa Ladies' College."

CHAPTER 110.

An Act respecting The Synod of the Diocese of
Niagara.*Assented to 17th March, 1902.*

WHEREAS The Synod of the Diocese of Niagara (herein- Preamble.
after called the Synod) has by its petition prayed
that an Act may be passed confirming and declaring valid a
Canon, called a "Canon on Differences," passed at the session
of said Synod held in the year 1901, said Canon relating to
the settlement of differences between clergymen of the Diocese
of Niagara and their parishioners ; and whereas it is desirable
that such Canon should be confirmed and declared valid and
no one has appeared to oppose the said petition : and whereas
it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The Canon of the Synod adopted at the session thereof Canon on
differences
confirmed.
held in the year 1901, and set out in the Schedule to this Act,
is hereby ratified, confirmed and declared to be valid and all
the powers and provisions in the said Canon contained shall
be valid and binding as fully and as effectually and shall in
all respects have the same force and effect as though the same
and every of them were expressly embodied in this Act.

2. The Bishop of the Diocese of Niagara for the time being Powers of
Bishop as to
suspending or
removing in-
cumbent, etc.
may, at any time, suspend or remove from his benefice the
incumbent of any rectory, parish or mission within the Diocese
of Niagara, as provided by the said Canon or by any amend-
ment thereof adopted by the Synod.

3. Every order of the Bishop of said Diocese as aforesaid Enforcing
orders of
Bishop.
made under the said Canon, or any amendment thereof, adopted
by the Synod, shall be enforceable as provided by the said
Canon after the proceedings therein prescribed, or which may
be prescribed by any Canon adopted by the Synod, have been
taken.

4. The Synod may repeal, alter or amend the said Canon. Canon may be
repealed or
amended.

SCHEDULE A.

CANON ON DIFFERENCES.

1. Whenever the Bishop of the Diocese believes that differences have arisen between a rector or other clergyman in charge of any rectory, parish or mission in the diocese and communicants resident in the said rectory, parish or mission, or that that the condition of the rectory, parish or mission, is in any respect such as to require investigation, the Bishop may, and upon a request in writing signed by five persons qualified to vote at the election of lay representatives of such rectory, parish or mission, or by the said clergyman, shall, unless he shall be of opinion after considering the whole circumstances of the case, that proceedings should not be taken (in which case he shall state his reasons in writing to one of the petitioners) appoint a committee consisting of one clerical and one lay member of the Synod of the Diocese, whose duty it shall be to proceed to the rectory, parish or mission and endeavor, if possible, to bring about a settlement of the differences existing therein or the removal of any grievances or cause of scandal or other hindrance to the peace or prosperity of the rectory, parish or mission.

2. Within one month after their appointment the said committee shall report in writing to the Bishop, and if the said committee by their said report declare that they have failed to bring about a settlement of the differences or a satisfactory condition of affairs, and that for causes named in the report (not being subjects for investigation under a Canon on Church discipline), the said committee consider it to be detrimental to the interests of the Church that such rector or other clergyman should longer remain in charge of such rectory, parish or mission, and recommend that a commission of enquiry be issued to enquire into such complaints made by communicants of the church resident in the rectory, parish or mission as may be recited in said report, the Bishop shall issue a commission to two clergyman and one layman (who shall be either the chancellor of the diocese or some other member of the Synod being a barrister of at least ten years' standing, and who shall be the chairman of the said commission) empowering the commissioners therein named to hold any investigation.

3. As soon as conveniently may be after the issue of the commission, the commissioners shall give notice to the clergyman in charge of such rectory, parish or mission, and to the churchwardens and lay representatives thereof, and the petitioners for the commission of enquiry (if any) of the time and place at which the commissioners will hold their meetings.

4. The commissioners may proceed in the matter of enquiry *ex parte* if either or any one or more of the parties affected thereby refuse or neglect to attend before them after due notice in writing and without reasonable excuse.

5. The commissioners, or a majority of them, shall report with all convenient speed to the Lord Bishop of the Diocese the result of their enquiry, and may recommend that such action be taken in the premises as they may deem advisable.

6. The Lord Bishop shall take such action upon the report of the commissioners as may seem to him desirable, and in case the needed power in that behalf be granted by the Legislature, he may suspend or remove the incumbent of such rectory, parish or mission from his benefice.

Provided that no clergyman who has complied with the requirements of the Canon on the Aged and Disabled Clergy Fund shall be suspended or removed solely for old age or disability unless or until there is available for him when he applies to be put on the Fund the annuity to which he would be entitled by length of service in case of a voluntary resignation and application.

CHAPTER 111.

An Act respecting the First Coloured Calvinistic Baptist Church in Toronto.

Assented to 17th March, 1902.

WHEREAS George Washington Smith, John Henry Jack-son, Isaac Henry Lewis and William Lewis, all of the City of Toronto in the County of York, trustees of the First Coloured Calvinistic Baptist Church in the City of Toronto, have by their petition represented that by a certain indenture bearing date the tenth day of February, 1845, all that certain piece or lot of land and premises situate in the City of Toronto and being lot number two on the north side of Lot street (now Queen street) in the City of Toronto, which said lot number two is a parallelogram of land having a frontage of forty-four feet on Queen street by one hundred feet on Victoria street, was conveyed to the trustees of the First Coloured Calvinistic Church in the City of Toronto, for the purpose of erecting a meeting house or chapel thereon, and further that the said church erected upon the said lands, a meeting house or chapel and a residence for a minister; and further that the said land is held by the said trustees upon the following among other trusts: "And in further trust and confidence that the said trustees shall regularly pay the premium upon the insurance at present or hereafter to be effected upon the said chapel at the office where the said insurance shall be so effected, and in case of the said chapel being destroyed by fire, that they the said trustees shall forthwith cause the same to be rebuilt from the moneys paid to the said trustees from the office of the insurance company at which the said chapel may at the time of the said fire be insured; and in further trust that in case the moneys to be paid by the insurance company as aforesaid shall not be sufficient to build a chapel of such size and dimensions as the majority of the male members of the said First Coloured Calvinistic Baptist Church at Toronto shall decide upon, that then the said trustees shall have power to mortgage the said premises herein conveyed for such additional sum as may be requisite, over and above the said insurance money, for re-erecting the said chapel, provided nevertheless and it is expressly declared that the said trustees have no power to mortgage the said premises for any other purpose or object whatsoever;" and further that a special local improvement tax was levied against the said lands, with other property, to pay the cost of the extension of Victoria street, and permanent roadways were laid on Queen street and on Victoria street for

for which special local improvement rates were also levied against the said lands; and further that the membership of the said church is small and the trustees have been unable to pay the said taxes as they became due, and there are now arrears of taxes against the said lands and premises amounting to about eight hundred dollars, and that the said lands and premises are advertised for sale for such arrears of taxes; and further that the said trustees have no funds of the said church with which to pay the said taxes, and they are unable to pay the same without borrowing an amount sufficient to pay the same, and securing the same by way of mortgage upon the said lands and premises; and further that the said lands and premises are situate in a locality which is now largely occupied by buildings used for commercial purposes, and it would be in the interests of the church to sell the same and procure another site in a more suitable locality; and whereas the said congregation have, at a meeting specially called to consider the matter, authorized the application for this legislation by a unanimous vote, and no one has appeared to oppose the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow to pay arrears of taxes.

1. It shall be lawful for the trustees of the First Coloured Calvinistic Baptist Church in Toronto, and their successors in office, or a majority of them, as occasion shall require from time to time and at all times hereafter to borrow from any person or corporation willing to lend the same, such sums of money as may be necessary to pay the arrears of taxes now against the said lands and premises, and such further sum as may be hereafter levied for taxes against the said lands and premises, together with all costs, charges and expenses incidental thereto and incidental to the obtaining of this Act, at such rate of interest and on such terms as may be agreed upon, and to secure the moneys so to be borrowed by mortgage or mortgages upon the lands and premises hereinbefore mentioned, and to make any further mortgage or mortgages from time to time as may be required to renew or pay off said mortgage or mortgages or any part thereof, until all the said moneys be paid off.

Power to sell.

2. The said trustees and their successors in office are hereby empowered to sell and dispose of, for cash or on credit, or partly for cash and partly for credit, the said lands and premises and to convey the same when so sold to the purchaser or purchasers thereof, freed and discharged from the trusts expressed and declared concerning the same in the hereinbefore in part recited indenture; provided always that any such sale shall be first approved by the said congregation at a general meeting

meeting of the members thereof duly called for the purpose of considering such proposed sale by notice given from the pulpit of said church during divine service for two successive Sundays immediately preceeding the said meeting, and that the consent of such meeting to said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting.

3. No purchaser of said lands and no person or corporation advancing any money to the said trustees or their successors in office upon any mortgage shall be bound to see to the application or be responsible for the misapplication of any purchase or mortgage money.

Purchaser not bound to see to application of proceeds.

CHAPTER 112.

An Act to authorize the Trustees of "The Holy Blossom" to convey certain lands.

Assented to 17th March, 1902.

Preamble.

WHEREAS Frank David Benjamin, Abraham Franklin, Edmund Scheuer, Solomon Michael, Henry Michael, William Goldstein, Sigmund Samuel, Leo Frankel, Jacob Singer, Herman Loeser, Henry Fogler and Mark Cohen, are the trustees for the congregation of Jews worshipping in the City of Toronto, called "The Holy Blossom," in whom the lands more particularly described in the deed in Schedule A to this Act, are vested; and whereas it has become unnecessary to retain said lands for the use of such congregation, and it is deemed advantageous to sell the same; and whereas the said trustees have agreed to sell and convey the said lands to William M. Weekes, of the City of Toronto, Contractor, for the sum of \$7,500, upon the terms contained in the said deed; and whereas by the terms and provisions contained in the trust deed dated the 7th day of September, 1875, whereby the said lands were conveyed to the trustees for the congregation of Jews worshipping in the City of Toronto, called "The Holy Blossom," it was provided that the consent of a meeting of the members of the congregation held for such purpose, and called by written notice, signed by at least two trustees, and affixed to the door of the house or usual place of worship of the said congregation, upon two Sabbath days, (that is to say upon two Saturdays,) preceding the day of such meeting, at such an hour, and for such a length of time upon each of such days, that the said notice might be seen by persons coming thereto to worship at the hour of morning prayer, should be obtained before the said lands should be sold; and whereas in compliance with the terms of the said trust deed, due notice setting out the purpose, time and place of such meeting, was forwarded to each individual member of said congregation, and after being signed by three trustees of such congregation, was posted upon the door of the Jewish Synagogue situate on Bond Street, in the said City of Toronto, being the house or usual place of worship of the said congregation, on the 8th and 15th days of February, 1902, and remained posted as aforesaid during the whole of the said 8th and 15th days of February, 1902, such days being Sabbath days, (that is to say Saturdays); and whereas such meeting duly called as aforesaid, was held at such house or usual place of worship on the 16th day of February

February, 1902, and the agreement between the said trustees and William M. Weekes, whereby the said trustees agreed to sell the said lands for \$7,500 as aforesaid, was considered, when the same was unanimously approved of, and the sale of the said lands to the said Weekes assented to; and whereas doubts have arisen as to the powers of the said trustees, notwithstanding the provisions of the said trust deed, to effectually sell and convey said lands to the said Weekes, without complying with the provisions contained in *An Act respecting the property of Religious Institutions*, being chapter 307 of the Revised Statutes of Ontario; and whereas it is desired by the said congregation, and the said trustees have by their petition prayed that such doubts should be removed, and that the power to sell and convey such lands to the said Weekes, notwithstanding the provisions of the said Act respecting the property of Religious Institutions, should be conferred upon said trustees; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Frank David Benjamin, Abraham Franklin, Edmund Scheuer, Solomon Michael, Henry Michael, William Goldstein, Sigmund Samuel, Leo Frankel, Jacob Singer, Herman Loeser, Henry Fogler and Mark Cohen, the said trustees, are authorized and empowered to grant and convey the lands and premises more particularly described in the deed set out in Schedule A to this Act, to William M. Weekes of the City of Toronto, contractor, for the price or sum of \$7,500, forthwith, notwithstanding the provisions of *An Act respecting the Property of Religious Institutions*, being chapter 307 of The Revised Statutes of Ontario, and that upon the deed set out in Schedule A being executed by the said trustees, the said William M. Weekes shall hold the said lands freed from all trusts created by the said trust deed, or by any Act or Acts of this Province; and such sale and conveyance to William M. Weekes is hereby ratified and confirmed.

Trustees
authorized to
convey certain
lands.

2. Nothing herein contained shall prejudice or affect the trusts and conditions upon which the trustees of the congregation of "The Holy Blossom" shall receive and hold the purchase money and the proceeds of such sale.

Trusts of pro-
ceeds not
affected.

SCHEDULE A.

This indenture made (in duplicate) the _____ day of _____ 1902, in pursuance of an Act Respecting Short Forms of Conveyances, between Frank David Benjamin, Abraham Franklin, Edmund Scheuer, Solomon Michael, Henry Michael, William Goldstein, Sigmund Samuel, Leo Frankel, Jacob Singer, Herman Loeser, Henry Fogler and _____

and Mark Cohen, Trustees for the Congregation of Jews worshipping in the City of Toronto, called "The Holy Blossom," all of the City of Toronto, in the County of York, of the First Part, and William M. Weekes, of the said City of Toronto, Contractor, of the Second Part.

Whereas the parties of the First Part are Trustees for the Congregation of Jews worshipping according to the doctrines, rules, forms, and ceremonies known and recognized in the Jewish Religion as Orthodox Minhag, in the City of Toronto, called "The Holy Blossom,"

And whereas the said Trustees have agreed to sell the lands hereinafter mentioned to the party of the Second Part,

And whereas at a meeting held for such purpose called by written notice, signed by at least two Trustees and affixed to the door of the house or usual place of worship of the said congregation upon two Sabbath days (that is to say two Saturdays) preceding the day of such meeting, at such an hour, and for such a length of time upon each of such days that the said notice might be seen by persons coming thereto to worship at the hour of morning prayer, the said agreement was considered and unanimously approved of, and the sale of the lands to the said Weekes assented to,

And whereas by an Act of the Legislative Assembly of the Province of Ontario passed in the second year of the reign of His Majesty Edward the Seventh, intituled *An Act to authorize the Trustees of "The Holy Blossom" to convey certain lands to William M. Weekes*, the sale of the lands hereby conveyed was ratified and confirmed.

Now this indenture witnesseth that in consideration of five thousand dollars of lawful money of Canada, now paid by the said party of the second part to the said parties of the first part (the receipt whereof is hereby by them acknowledged) and the assumption by the party of the second part of a registered mortgage of two thousand five hundred dollars, dated the 27th day of April, 1900, which mortgage falls due the first day of May, 1905, they, the said parties of the first part, do grant unto the said party of the second part his heirs and assigns for ever, all and singular, that certain parcel of land situate in the City of Toronto, in the County of York, and Province of Ontario, containing one-sixth of an acre more or less, composed of, and being lot number six on the south side of Richmond Street, east of Yonge Street, described as follows:—Commencing on the south side of Richmond Street at the north-east angle of the said lot, then south sixteen degrees east, ninety feet more or less to the centre of the block, then south seventy-four degrees west eighty feet more or less to the limit between lots number six and seven, then north sixteen degrees west ninety feet more or less to Richmond Street, then north seventy-four degrees east eighty feet more or less to the place of beginning, being part of a certain block of six acres of land formerly reserved for the purpose of an hospital, and denominated by the letter C on the plan of the Town of York, to have and to hold unto the said party of the second part, his heirs and assigns, to and for his and their sole and only use forever; subject nevertheless to the reservations, limitations, provisions and conditions expressed in the original grant thereof from the Crown.

And the said parties of the first part covenant with the said party of the second part that they have done no act to encumber the said lands, save as aforesaid.

And the said parties of the first part release to the said party of the second part all their claims upon the said lands.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered }
In presence of }

CHAPTER 113.

An Act to confer certain Powers on the Trustees of
the Will of the late John Bacon.

Assented to 17th March, 1902.

WHEREAS Harriet Bacon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie all of the City of Toronto, in the County of York, trustees under the will of John Bacon, late of the said City of Toronto, deceased, have by their petition represented that the said John Bacon made and published his last will and testament as follows :—

“This is the last will and testament of me, John Bacon, of the City of Toronto, in the County of York, Gentleman.

“I give and bequeath to the Hospital for Sick Children, The Toronto Home for Incurables, and The Irish Protestant Benevolent Society, the sum of one hundred dollars each.

“I give and bequeath to my wife Harriet Bacon, all my furniture, plate, linen, glass and other household effects for her own use absolutely.

“I desire my executors hereinafter named to pay all my just debts and funeral and testamentary expenses and to expend a sum not exceeding one thousand dollars in ornamenting my burial plot in Saint James’ Cemetery and erecting a monument thereon.

“I give and bequeath to my wife Harriet Bacon, the sum of five thousand dollars for her own use absolutely.

“All the rest and residue of my estate, real and personal I give, devise and bequeath to my said executors to hold in trust.

“Firstly. In their discretion to sell and convert into money such parts thereof as shall not consist of money or securities therefor and to invest and keep invested the proceeds of such sales as well as all other monies belonging to my estate in first mortgages of real estate in the Province of Ontario or in the capital stock of loan savings companies, lending, their money on such mortgages, or in government or municipal debentures in the Dominion of Canada, and such and all other investments from time to time at pleasure to vary and trans- pose.

“Secondly. Out of the income of my said estate to pay to my said wife the sum of twenty-two hundred and fifty dollars per annum, payable in advance in equal monthly instalments during her lifetime for her own use.

“Thirdly. During the lifetime of my said wife to pay to each of my daughters, Harriet Mitchell, Annie Phillips and Marian Anglin, the sum of five hundred dollars per annum, payable in quarterly instalments.

“Fourthly.

"Fourthly. Until the death of my said wife to allow my said daughter Marian Anglin to occupy the house on Sullivan Street, in Toronto, now occupied by her free from rent so long as she occupies the same.

"Fifthly. To pay to my son Edward S. Bacon, the sum of four hundred dollars per annum, in equal quarterly instalments, during the lifetime of my said wife so long as his conduct shall be entirely satisfactory to a majority of my trustees, and in the event of his so conducting himself as not to meet with the approval of a majority of my said trustees, they shall be empowered to withhold from him the payment of the said sum, until they shall be again satisfied with his conduct, and the said sum whenever so withheld shall be added to and form part of my residuary estate.

"Sixthly. During the lifetime of my said wife to allow the income arising from my said residuary estate after payment thereof of the annuities aforesaid and of the expenses of management to accumulate and be added to the principal.

"Seventhly. To allow my son-in-law Francis John Phillips to retain the sum of fifteen thousand dollars now loaned by me to him until the expiration of one year after the death of my wife he continuing to pay interest thereon at the rate of five per cent. per annum quarterly as at present.

"Eightly. On the expiration of one year from the death of my said wife my said trustees shall collect from my said son-in-law Francis John Phillips the sum of five thousand dollars part of the said sum of fifteen thousand dollars loaned by me as aforesaid, and shall assign and transfer to my daughter Annie Phillips for her own separate use absolutely, the remaining debt or sum of ten thousand dollars owing by said Francis John Phillips.

"Ninthly. To pay to each of my said daughters Harriet Mitchell and Marian Anglin the sum of ten thousand dollars, and to my son Edward S. Bacon the sum of six thousand dollars payable in four equal instalments at the expiration of six, twelve, eighteen and twenty-four months respectively after the death of my wife.

"Tenthly. After the death of my wife to pay to each of said four children during their respective lives the interest on one-fourth of the balance of my estate which shall then remain in the hands of my trustees after payment of the legacies aforesaid.

"Eleventhly. On the death of any of my said children to pay over after the death of my wife the amount on which he or she shall have been entitled to interest during his or her life to the child of the one so dying or if there be more than one child to divide the said amount equally share and share alike among the children of the one so dying, and in the event of there being no such child or children, to divide the said amount equally share and share alike among my other children, and the issue of any who may be dead, the issue of any of my said children who shall be dead being entitled to their parents share in equal proportions, but in the event of any of my grandchildren

grandchildren being under the age of twenty-one years when he or she shall become entitled to a share of the said monies as aforesaid the income thereon shall be paid to his or her guardian to be applied to his or her maintenance, education and support until he or she shall attain the age of twenty-one years, and on his or her attaining that age the said share shall be paid over to him or her, and I direct that the provision hereinbefore made for my wife shall be in lieu of dower, and of all claims for dower in my real estate and that all sums bequeathed to my said daughters shall be for their sole and separate use and free from all control, debts or obligations of their present or any future husbands and they shall have no power to mortgage, charge, assign or anticipate any part of the income payable to them under the terms of this my will.

"And I hereby declare that as often as any of the trustees hereby appointed or to be appointed under this power shall die or remove from the Dominion of Canada or desire to be discharged from or refuse or decline or become incapable in any way to act in the trusts hereby declared before the same shall be fully executed, then and in every such case it shall be lawful for the trustee or trustees for the time being continuing to act in the trusts aforesaid or for the executors or administrators of the last surviving trustee by any writing to appoint another person to be a trustee or trustees in the place of the trustee or trustees so dying or removing from the said Dominion or desiring to be discharged or refusing, declining or becoming incapable to act as aforesaid, and such appointment may be so made as either to maintain or enlarge or diminish the original number of trustees and upon the appointment of every such new trustee as aforesaid all the trust estate, monies and premises shall thereupon with all convenient speed be legally and effectually vested in such new trustee or trustees either solely or jointly with the surviving or continuing trustee or trustees as occasion shall require and every such new trustee as well before as after the trust estate shall have been vested in him shall have all the powers and authority of the trustee in whose room he shall be substituted.

"Provided, nevertheless, that the majority of the trustees, at any time acting in the trusts hereof, shall have full power to act in and carry out the trusts hereof, and that all payments made to a majority of the said trustees and all deeds, leases, assignments, transfers, discharges, receipts and other documents executed or signed by a majority of the said trustees at the time acting in the said trusts shall be as valid and binding upon the said trusts estate and upon all persons beneficially interested therein as if made to and executed by all the trustees then acting in the said trusts.

"And I hereby appoint my said wife, Harriet Bacon, executrix and trustee, and William J. Mitchell of Winnipeg, and Francis J. Phillips and Charles H. Ritchie of Toronto, executors and trustees of this my will.

"And I hereby revoke all former wills and codicils by me made and declare this to be my last will and testament.

"Dated

"Dated at Toronto, this twenty-fifth day of May in the year one thousand eight hundred and eighty-eight.

(Signed) JOHN BACON.

"Signed and declared by the said testator as his last will and testament before us both, present at the same time, who in his presence and in the presence of each other and at the request of the said testator have hereunto set our hands as witnesses. (Sgd.) EDWARD ADAMSON, of 161 George St. (Sgd.) J. A. WORRELL, of 18 and 20 King St., Toronto."

And that the said testator died on or about the fourth day of June, 1889; and that probate of the said will was duly granted by the Surrogate Court of the County of York on the thirteenth day of July, 1889, to the said petitioners, Harriet Bacon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie; and that a considerable portion of the trust estate consists of vacant lots in the City of Toronto; that the said vacant lots are situated in localities where land is likely to increase in value; that at the present time it would be impossible to make sales of the land while vacant to advantage, but if dwelling houses were erected thereon they would prove a valuable asset for the estate, and ready sale could be found for the houses if it was found to be in the interests of the estate to make sales; and that the said trustees have in their hands uninvested, belonging to the said estate about thirty thousand dollars; and that it would be a great advantage to the estate if the said trustees were empowered to invest such sum of money not exceeding fifty thousand dollars as they may deem advisable in the interests of the estate in the improvement of vacant lands belonging to the said estate, by the erection of dwelling houses or stores thereon, and the said trustees have therefore petitioned for an Act to enable them to invest the moneys of the said estate in the manner hereinbefore mentioned, and it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to invest trust funds in the improvement of vacant lands in Toronto.

1 The said Harriet Bacon, William J. Mitchell, Francis J. Phillips and Charles Henry Ritchie, trustees as aforesaid, and their successors in such trust, shall have power, and they are hereby authorized and empowered at their discretion to invest a sum or sums from time to time not exceeding in the whole fifty thousand dollars of the moneys which are now or which may hereafter be held by them under the said will upon the trusts therein mentioned, in the improvement of the vacant lands in the City of Toronto belonging to the said estate, by erecting houses or stores thereon, as they may deem advisable, and according to such plans and specifications as to them may seem suitable.

CHAPTER 114.

An Act to enable Louis Gagne to Practise Medicine and Surgery in certain Townships.

Assented to 17th March, 1902.

WHEREAS Louis Gagné of the Township of Balfour, in the District of Algoma, and other residents of the Townships of Blezard and Hanmer, in the District of Nipissing, and of the Townships of Balfour, Rayside, Lumsden, Creighton and Dowling in the District of Algoma, in the Province of Ontario, have by their petition set forth that the said Louis Gagné graduated in medicine and surgery from Victoria College, Montreal, in the Province of Quebec, in 1890, and that the said Louis Gagné is fully qualified to practise in the Province of Quebec, and has practised medicine and surgery for about nine years at Cape St. Ignace, in the Province of Quebec, and during the past three years has lived among the said residents in the Township of Balfour aforesaid, but that not having taken the courses prescribed by the Council of the College of Physicians and Surgeons of Ontario, he is not entitled to practise medicine and surgery in the Province of Ontario; and whereas they have further set forth that about nine-tenths of the population of the said townships are French speaking people, the great majority of whom do not understand the English language, and that there is no qualified doctor in or near the said townships who is able to speak the French language, and that the said Louis Gagné is French and of their own nationality; and whereas on considering the said petition it has been suggested, representatives of the Medical Council being present and not objecting, that the said Louis Gagné should receive authority to temporarily continue his practice in the townships mentioned, subject to the terms and conditions hereinafter stated, and subject to such conditions that the prayer of the said petition be granted;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Louis Gagné, on passing the intermediate and final examinations prescribed by the College of Physicians and Surgeons of Ontario at or before the fall examinations for the year 1902, and on paying the requisite fees in that behalf, may be admitted to practice as a physician and surgeon in the Province of Ontario; and it shall be lawful for the said Louis Gagné to practise medicine and surgery in the townships hereinbefore named in the meantime without incurring any liability under the penal clauses of *The Medical Act*.

Louis Gagné
authorized to
practise medi-
cine in certain
townships.

CHAPTER 115.

An Act to enable the Trustees of the Jane Laycock Orphanage to sell certain lands in the County of Brant.

Assented to 17th March, 1902.

Preamble.

WHEREAS Charles Cockshutt of the City of Toronto, County of York, merchant, and Mary Margaret Kippax, of the City of Brantford, in the County of Brant, married woman, have by their petition represented that Jane Laycock late of the Township of Brantford, in the County of Brant, widow, deceased, made her last will and testament in writing in manner and form set forth in Schedule A to this Act, and departed this life on or about the 28th day of April, 1890, without having in any way altered or revoked her said will, probate whereof was on the 10th day of June, 1890, duly granted by the Surrogate Court of the County of Brant, to the said Ignatius Cockshutt, the executor therein named, who duly paid and satisfied the just debts, funeral and testamentary expenses of the said testatrix and the legacies contained in her said will and fully administered her estate except as to the gift and devise for the maintenance and endowment of the said school in the said will mentioned; that the provision in the said will made for the maintenance and endowment of the said school being void under the laws then in force in the Province of Ontario commonly known as the Statutes of Mortmain, so far as the said provision related to the gift and devise of the real estate of the said testatrix, the indenture set forth in Schedule B to this Act was made and entered into by the parties therein named; that the party of the third part in the said indenture mentioned departed this life on or about the 13th day of May, 1892, and the said Ignatius Cockshutt departed this life on or about the 1st day of March, 1901; that after the making of the said indenture the said lands were, from time to time during the lifetime of the said Ignatius Cockshutt and up to the time of his death, leased and the rentals derived therefrom received by the said Ignatius Cockshutt and were by him applied to the maintenance of the said school, but the said rentals were never sufficient for the said purpose, but that the said Ignatius Cockshutt was during his lifetime in the habit of supplementing the same year by year by contributions from his own funds; that on account of the long period during which the farm lands comprised in the said trust have been in the occupation of tenant farmers the same have become run down and depreciated in value and the revenue therefrom reduced, and to

to keep the same and the lands in the City of Brantford comprised in the said trust in repair, will require a larger expenditure that can be made out of revenue only ; that on account of the condition and situation of the said properties and the expenditure required to be made thereon for maintenance and repairs and of the uncertain amount of revenue derivable therefrom from time to time they consider it advisable in the interest of the said trust that they should be given the power to sell the said lands for the best price obtainable therefor, and to invest the proceeds in securities yielding a more uniform annual revenue ; and that there is doubt whether under the provisions of the said will and indenture the said lands can be sold by the said trustees ; and whereas the said petitioners have by their petition prayed that an Act may be passed enabling them to sell the said lands ; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said lands mentioned in the said will and indenture are declared to be vested in the said Mary Margaret Kippax and Charles Cockshutt the trustees above named and such other person or persons as may for the time being, be trustee or trustees under the said will and indenture, in fee simple, upon the trusts and for the purposes in the said will and indenture set forth. Lands vested in trustees for purposes of will.

2. The said Mary Margaret Kippax and Charles Cockshutt, the trustees above named, or such other person or persons as may for the time being be trustee or trustees under the said will and indenture, shall have power to sell the said lands in such parcels and in such manner and on such terms as they or he may deem best and to confer on any purchaser or purchasers thereof or of any part thereof a good title to the same in fee simple. Power to sell.

3. The proceeds arising from the sale of the said lands or any part thereof after payment of the expenses connected with the passing of this Act and the carrying out of the provisions thereof shall be invested and kept invested by the said trustees or their successors in office from time to time in such securities as trustees are by law allowed to invest in, and the said trustees and their successors shall stand possessed of the said proceeds and the investments from time to time representing the same, and the income arising therefrom upon the like trusts and for the like purposes as those upon which the said lands are now held. Application of proceeds.

SCHEDULE A.

This instrument witnesseth that I, Jane Laycock, widow (of the late Alfred Laycock), of the Town and Township of Brantford, in the Province of Canada, being of sound and disposing mind, do make, publish and declare this to be my last will and testament hereby revoking and making null all *former* last wills and testaments.

My will is first that my funeral charges and just debts shall be paid by my executor hereinafter named.

The residue of my estate and property which shall not be required for the payment of my just debts, funeral charges and the expenses attending the execution of this my will and the administration of my estate I give, devise and dispose thereof as follows, to wit: I give and devise my farm in the Township of Brantford on the Mount Pleasant road, containing one hundred and thirty-eight acres, at present occupied by myself, John Wright, and Dan McGiven, bought from J. A. Wilkes, Thomas Houlding, Senr., and Thomas Houlding, Junr. (see title deeds from the three parties), together with all live stock, farm implements and furniture and school apparatus in the school room and boarding house with all buildings and improvements on the said one hundred and thirty-eight acres at the time of my death I give for the maintenance and endowment of the said school (now carried on by myself) to be managed by my dear brother, Ignatius Cockshutt, my executor, and after his death the management to devolve upon his dear wife, Elizabeth Cockshutt, and his three eldest children, viz.: Mary Margaret Cockshutt, James George Cockshutt and Charles Cockshutt, and to the assigns of the survivor of them forever. I also give for the support of the said school my three brick buildings on the north side of Colborne Street, Brantford, being parts of Nos 5 and 6 (reference being had to title deeds from P. Simmerman and Cook and Strowbridge), I give and bequeath towards the support of the said school and the orphans and destitute children that may be therein from time to time as heretofore to be managed as my executor deems best and for the greatest advantage of the school, and my said executor shall appoint suitable persons to carry on and manage the said property for the benefit of the said school.

The said farm, together with fences and buildings thereon are to be kept in good repair and condition and (such portion of said farm and buildings as not needed for the purpose of the school may be rented or not as the executor considers best and most conducive to the greatest amount of profit for the benefit of the said school and boarding house.)

The three stores in town are to be kept in good repair, the net proceeds of rents of same over and above all necessary expenses are to go to the support of the said school.

The three stores in town and the two brick buildings on the farm are to be kept insured for half their value and premium of said insurance to be paid out of said trust, and in the event of fire the buildings to be rebuilt or not as my executor deems best. The town lots may be leased if thought more advisable to do so than rebuilding. The number of free scholars and those partly free to be regulated by the amount of income at the disposal of said trust so as not to involve the estate in any considerable debt and in no case to exceed half a year's net income, any number of scholars who pay fees and board may be taken in, that can be conveniently accommodated, in addition to the free and partly free ones before named. All sums received for school fees or board to go to the general fund of the net profits, rents, etc., said fund to be used for payment of salaries of teachers, board, clothing, etc., etc., as directed by my said executor. A portion of every day is to be given to the reading of the Holy Scriptures by the pupils with religious instructions which is to be in accordance with the views now held by the old Independent Church assembling at Farringdon as set forth fully in their title deed.

I desire that the bible be daily read in the school by the children and conduct of all governed thereby.

The

The free scholars and those partly free I desire to attend all the services at the Farringdon Chapel every Lord's Day, when in health.

I give and devise one hundred dollars to the Upper Canada Branch of the British and Foreign Bible Society.

I give to Hannah Nightingale, daughter of my cousin, Mrs. James Nightingale of Belleville, Province of Canada, the sum of fifty pounds Hx. cy.

I give and bequeath to each and every one of my dear brother Ignatius Cockshutt's children one hundred and fifty pounds Hx. cy., in trust to their father till they attain the age of twenty-one years.

I give also to my dear brother's children, to be divided amongst them, my furniture at the cottage where I now reside. I give and devise to my dear brother Ignatius Cockshutt of Brantford, Province of Canada, two hundred pounds (viz., eight hundred dollars) for his trouble in attending to my business and this trust. I give to my dear father, James Cockshutt, now residing in Toronto, Canada West (if alive at my decease and not otherwise) the sum of one hundred dollars.

In case my property falls short in paying the above legacies, my brother and his children's shares to be less in proportion to the deficiency and if more they are to have the overplus.

As soon as my executor has a sufficiency of funds in hand I should like him to pay off the legacies to cousin Hannah Nightingale and to the Bible Society.

And I do nominate and appoint my said brother Ignatius Cockshutt to be the sole executor of this my last will and testament. And to sell or retain in the family as he and his children can agree all my real estate and property whatsoever (excepting that given as aforesaid for the use of the school)

In testimony whereof I the said Jane Laycock have hereunto subscribed my name and affixed my seal this twenty-third day of January in the year of Our Lord one thousand eight hundred and sixty-four (written on four pages of one sheet).

Signed, sealed and declared by the said Jane Laycock to be her last will and testament in presence of Edmund C. Passmore and Thomas Houlding, who at her request and in her presence have subscribed their names as witnesses thereto in the presence of each other.

(Signed,) JANE LAYCOCK. [L.S.]

(Signed,) EDMUND C. PASSMORE,

(Signed,) THOMAS HOULDING.

SCHEDULE B.

This Indenture made the eighteenth day of June in the year of our Lord one thousand eight hundred and ninety, between Ignatius Cockshutt of the City of Brantford in the County of Brant, merchant, of the first part; Mary Margaret Kippax of the same place, the wife of George Kippax of the same place, merchant, Charles Cockshutt of the City of Toronto of the County of York, merchant, Frank Cockshutt of the said City of Brantford, merchant, William F Cockshutt of the same place, merchant, Elizabeth Foster Drummond of the City of Montreal in the Province of Quebec, the wife of George E. Drummond of the same place, merchant, Edmund L. Cockshutt of the said City of Brantford, merchant, Ellen R. Cockshutt of the same place, spinster, and Henry Cockshutt of the said City of Brantford, agent, of the second part; and Elizabeth Cockshutt of the said City of Brantford, the wife of the said Ignatius Cockshutt, of the third part.

Whereas Jane Laycock, late of the Township of Brantford in the said County of Brant, widow, now deceased, duly made and published her last will and testament in writing on the twenty-third day of January in the

year our Lord one thousand eight hundred and sixty-four, whereof she appointed the said party of the first part the executor.

And whereas the said Jane Laycock departed this life on the twenty-eighth day of April, one thousand eight hundred and ninety, without having in any manner altered or revoked the said last will and testament.

And whereas letters probate of the said last will and testament were on the tenth day of June, one thousand eight hundred and ninety, granted by the Surrogate court of the County of Brant, being the proper Surrogate court in that behalf, to the said party of the first part, the executor named in the said last will and testament.

And whereas by the said last will and testament the said Jane Laycock made a gift and devise in the words following, that is to say: "I give and devise my farm in the Township of Brantford on the Mount Pleasant road, containing one hundred and thirty-eight acres, at present occupied by myself, John Wright and Dan McGiven, bought from J. A. Wilkes. Thomas Houlding, sen., and Thomas Houlding, jun. (see title deeds from the three parties), together with all live stock, farm implements and furniture and school apparatus in the school room and boarding house, with all buildings and improvements on the said one hundred and thirty-eight acres at the time of my death I give for the maintenance and endowment of the said school (now carried on by myself), to be managed by my dear brother, Ignatius Cockshutt, my executor, and after his death the management to devolve upon his dear wife, Elizabeth Cockshutt, and his three eldest children, viz: Mary Margaret Cockshutt, James George Cockshutt, and Charles Cockshutt, and to the assigns of the survivor of them forever. I also give for the support of the said school my three brick buildings on the north side of Colborne street, Brantford, being parts of Nos. five and six (reference being had to title deeds from P. Simmerman and Cook and Strawbridge), I give and bequeath towards the support of the said school and the orphans and destitute children that may be therein from time to time as heretofore, to be managed as my executor deems best and for the greatest advantage of the school, and my said executor shall appoint suitable persons to carry on and manage the said property for the benefit of the said school. The said farm, together with fences and buildings thereon, are to be kept in good fair repair and condition and such portion of said farm and buildings as not needed for the purpose of the school may be rented or not as the executor considers best and most conducive to the greatest amount of profit for the benefit of the said school and boarding house. The three stores in town are to be kept in good repair, the net proceeds of rents of same over and above all necessary expenses are to go to the support of the said school. The three stores in town and the two brick buildings on the farm are to be kept insured for half their value and premium of said insurance to be paid out of said trust, and in the event of fire the buildings to be rebuilt or not as my executor deems best. The town lots may be leased if thought more advisable to do so than rebuilding. The number of free scholars and those partly free to be regulated by the amount of income at the disposal of said trust so as not to involve the estate in any considerable debt and in no case to exceed half a year's net income. Any number of scholars who pay fees and board may be taken in that can be conveniently accommodated in addition to the free and partly free ones before named. All sums received for school fees or board to go to the general fund of the net profits, rent, etc. Said fund to be used for payment of salaries of teachers, board, clothing, etc., etc., as directed by my said executor. A portion of every day is to be given to the reading of the Holy Scriptures by the pupils with religious instruction which is to be in accordance with the views now held by the old Independent Church now assembling at Farringdon as set forth fully in their title deed. I desire that the Bible be daily read in the school by the children and the conduct of all governed thereby. The free scholars and those partly free I desire to attend all the services at the Farringdon chapel every Lord's day when in health.

And whereas the said Jane Laycock by her said last will and testament left certain specific legacies and there is in the said will a clause referring

referring to the said specific legacies in the words following that is to say : In case my property falls short in paying the above legacies my brothers' and his childrens share to be less in proportion to the deficiency and if more they are to have the over plus.

And whereas there is in the said last will and testament another clause in the words following that is to say : And I do nominate and appoint my said brother Ignatius Cockshutt to be the sole executor of this my last will and testament and to sell or retain in the family as he and his children can agree all my real estate and property whatsoever excepting that given as aforesaid for the use of the school.

And whereas the lands in the said will mentioned containing in all one hundred and thirty-eight acres are hereinafter particularly described.

And whereas the gift devise and provision made by the said last will and testament of the said Jane Laycock deceased is void under the laws in force in the Province of Ontario commonly known as the statutes of Mortmain.

And whereas the said Ignatius Cockshutt the party hereto of the first part is the only heir at law of the said Jane Laycock, deceased.

And whereas James George Cockshutt named in the said last will and testament of the said Jane Laycock deceased departed this life before the said Jane Laycock.

And whereas assuming that the parties of the second part who are all the children now living and living at the time of the death of the said Jane Laycock deceased of the said Ignatius Cockshutt and compose his family have any estate right title or interest as residuary devisees or otherwise under the said last will and testament of the said Jane Laycock deceased in the said lands so as aforesaid devised for the purposes of the said school, they the said parties of the second part have executed these presents to the uses and for the purposes hereinafter particularly mentioned.

Now therefore this, indenture witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada by the said party of the third part paid to each of them the said parties of the first and second parts the receipt whereof is hereby by them and each of them respectively acknowledged they the said parties of the first and second parts (the said party of the first part joining herein as executor heir at law and legatee and the said parties of the second part joining herein as residuary devisees legatees and beneficiaries under the said last will and testament of the said Jane Laycock deceased) have and each of them hath, granted, bargained, sold, conveyed confirmed and assured and by the presents do and each of them doth grant bargain, sell convey, confirm and assure unto the said party of the third part her executors and administrators first all and singular that certain parcel or tract of land and premises situate lying and being in the Township of Brantford in the County of Brant in the Province of Ontario containing by admeasurement one hundred acres be the same more or less being composed of part of a tract of land originally granted by the Crown to Jemima Stewart of the Town of Niagara in the District of Niagara and Sarah Ruggles of the Mohawk Village on the Grand River then in the County of Wentworth as the said lands are more fully and particularly described by metes and bounds in a conveyance thereof from John Aston Wilkes of the Town of Brantford in the County of Brant Esquire to the said Jane Laycock (then Jane Cockshutt) dated the seventh day of September one thousand eight hundred and forty-nine a memorial whereof was registered in the registry office of the County of Wentworth on the eleventh day of September one thousand eight hundred and forty-nine in Liber "A" for the Township of Brantford in folios 88 and 89 memorial No. 97. *Secondly.* All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Brantford in the county of Brant containing by admeasurement one acre and a half be the same more or less, being composed of part of a certain tract of land originally granted by the Crown to Jemima Stewart and Sarah Ruggles and afterwards on the twenty-second day of April in the year of our Lord one thousand

thousand eight hundred and thirty-nine conveyed by the said Sarah Ruggles in two parcels of three-fourths of an acre each, one parcel to one Jane Houlding and the other to one Thomas Houlding, as the said lands are more particularly described by metes and bounds in a conveyance thereof from Jane Houlding and Thomas Houlding to the said Jane Laycock, dated the sixth day of September, one thousand eight hundred and fifty, a memorial whereof was registered in the registry office for the County of Wentworth on the eleventh day of September, one thousand eight hundred and fifty, in Liber A for the Township of Brantford Memorial Number 295. *Thirdly.* All those certain parcels or tracts of land and premises situate, lying and being in the Township of Brantford in the County of Brant, and being two certain pieces or parcels of land granted, bargained and sold, and conveyed in fee simple by John-son Stewart of the Town of Niagara in the district of Niagara in the Province aforesaid, to the late Isaac Poole, late of the said Township of Brantford, deceased. The one parcel being ten acres and four-tenths and situate on the public highway or road leading from the City of Brantford to Mount Pleasant; and the other twenty-six and four-tenths acres lying in rear of the lands formerly owned by the late William Walker, and containing in all thirty-six acres and eight-tenths of an acre be the same more or less. *Fourthly.* All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Brantford in the County of Brant, containing by admeasurement three acres, be the same more or less, being composed of part of a certain grant from the Crown to Jemima Stewart and Sarah Ruggles, situate on the West side of the Grand River in the said Township of Brantford, which said lands are particularly described by metes and bounds in a conveyance thereof from Richard Brooks of the said Township of Brantford, yeoman, and Elizabeth Brooks, his wife, for the purpose of barring her dower to the said Jane Laycock, dated the twentieth day of September, one thousand eight hundred and fifty-six, a memorial whereof was registered in the registry office for the County of Brant on the twentieth day of September, one thousand eight hundred and fifty-six, in Liber B for the said Township of Brantford as number 736. *Fifthly.* All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Brantford in the County of Brant, containing by admeasurement three thousand two hundred square feet, be the same more or less. Being composed of part of lot number five on the north side of Colborne street in the said City of Brantford, and is bounded and described as follows that is to say: Commencing within thirty feet of the south west corner of the said lot number five, running from thence north five degrees thirty minutes west on the east line of a lot formerly owned by James Fisher eighty feet, from thence north eighty-five degrees forty-five minutes east forty feet, from thence south five degrees thirty minutes east eighty feet to Colborne street aforesaid, from thence south eighty-five degrees forty-five minutes west forty feet to the place of beginning, and *Sixthly,* all and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Brantford in the County of Brant, containing by admeasurement twelve thousand two hundred and nineteen square links, be the same more or less, being composed of parts of city lots numbers five and six on the north side of Colborne street in the said City of Brantford, which said lands are more particularly described by metes and bounds in a conveyance thereof dated the tenth day of August, one thousand eight hundred and forty-eight, from Abraham Cook of the said Township of Brantford, Esquire, Ellen Cook, his wife (for the purpose of barring her dower), and Richard R. Strobbridge of the said City of Brantford, Merchant, and Elleda J. Strobbridge, his wife (for the purpose of barring her dower), to the said Jane Laycock, a memorial whereof was registered in the registry office for the County of Wentworth on the nineteenth day of August, one thousand eight hundred and forty-eight, in Liber A for the said City of Brantford as number 14. To have and to hold the said lands and premises and every part and parcel thereof to the said party of the third part, her executors and administrators, or her appointee or appointees, in writing

under her hand and seal to and for the use, trust and purpose hereinafter declared in respect thereof, that is to say: Upon trust to hold the said lands and premises to the said party of the third part, her executors and administrators, or her appointee or appointees as aforesaid, who is or are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises and every part and parcel thereof during the lifetime of Ignatius Cockshutt, the party hereto of the first part, and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises according to the directions of the said party of the first part, or his appointee or appointees, in writing under his hand and seal from time to time and as occasion may require to be given in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the second recital to these presents.

And this indenture further witnesseth that in further consideration of the premises and of the sum of one dollar of lawful money of Canada to the said parties of the first and second parts and each of them paid by the said Elizabeth Cockshutt, the receipt whereof is hereby by the said parties of the first and second parts, and each of them respectively, acknowledged. They, the said parties of the first and second parts, have and each of them hath granted, bargained, sold, conveyed, confirmed and assured and by these presents do and each of them doth grant, bargain, sell, convey, confirm and assure unto the said party of the third part, her executor and administrators, all and singular, the lands and premises hereinbefore particularly mentioned and described and every part and parcel thereof. To have and to hold the said lands and premises and every part and parcel thereof to the use of the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, to and for the uses, trusts and purposes hereinafter declared in respect thereof, that is to say: From and after the death of the said Ignatius Cockshutt upon trust in the first place to hold the said lands and premises and every part and parcel thereof to the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, their executors and administrators, or their appointee or appointees, in writing under their respective hands and seals, who are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises and every part and parcel thereof and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises, in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions appear in the said second recital to these presents. And upon trust in the second place upon the death of either the said Elizabeth Cockshutt, Mary Margaret Kippax or Charles Cockshutt, to hold the said lands and premises, and every part and parcel thereof, to the survivors or survivor of them, their executors and administrators, or their appointee or appointees in writing, under their respective hands and seals, who are to have, collect, take and receive the income, rents, issues and profits of the said lands and premises, and every part and parcel thereof, and to lay out and expend and appropriate the said income, rents, issues and profits of the said lands and premises, and every part and parcel thereof, in and towards and for the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the said second recital to these presents. And upon trust in the third place to hold the said lands and premises and every part and parcel thereof, to the executors and administrators of the last survivor of them, the said Elizabeth Cockshutt, Mary Margaret Kippax and Charles Cockshutt, and his or her appointee or appointees in writing, under his or her hand and seal, who are to have, collect, take and receive the said income, rents, issues and profits of the said lands and every part and parcel thereof, and to lay out, expend and appropriate the said income, rents, issues and profits in and towards the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in

in the said second recital to these presents. And upon trust in the fourth place to hold the said lands and premises to the appointee or appointees in writing under the hands and seals or hand and seal of the appointee or appointees of the said last survivor, with power from time to time and for all time for the said appointee *and* appointees, or his or their executors and administrators, to appoint succeeding appointees in writing, under their hands and seals, to hold the said lands and premises and every part and parcel thereof to such appointee and appointees and succeeding appointees and the executors and administrators of such appointee or appointees and succeeding appointees forever, who are to have, collect, take and receive the said income rents, issues and profits of the said lands and premises and every part thereof, and to lay out, expend and appropriate the said income, rents, issues and profits of the said lands and premises and every part and parcel thereof, in and towards the carrying out of the intentions and purposes mentioned in the said last will and testament of the said Jane Laycock, deceased, which intentions and purposes appear in the said second recital to these presents.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of	{	Sd. I. COCKSHUTT. [Seal].
		" M. M. KIPPAX. [Seal].
		" CHARLES COCKSHUTT. [Seal].
		" FRANK COCKSHUTT. [Seal].
		" W. F. COCKSHUTT. [Seal].
		" ELIZ. F. DRUMMOND. [Seal].
		" E. L. COCKSHUTT. [Seal].
		" ELLEN R. COCKSHUTT. [Seal].
		" H. COCKSHUTT. [Seal].
		" ELIZABETH COCKSHUTT. [Seal].

Witness (Sd.) Geo. D. Nichol and

" " Peter Ryan

as to Charles Cockshutt's signature.

R. D. Cockshutt and A. E. Watts,

as to execution by William F. Cockshutt.

A. E. Watts and J. G. Farmer,

as to execution by Ignatius Cockshutt,
Mary Margaret Kippax, Frank Cock-
shutt, Elizabeth Foster Drummond,
Edmund L. Cockshutt, Ellen A. Cock-
shutt, Harry Cockshutt and Elizabeth
Cockshutt.

CHAPTER 116.

An Act respecting the Estate of William John Moore, deceased.

Assented to 17th March, 1902.

WHEREAS the Corporation of the County of Bruce Preamble.
 Thomas Dixon and William MacNairn Shaw, the executors of the last will and testament of William John Moore, deceased, The Children's Aid Society of the County of Bruce, and The County of Bruce General Hospital Trust at Walkerton have, by their petition, represented that William John Moore died on or about the 13th day of March, 1899, at the Township of Brant, having first made and published his last will and testament, probate of which was granted to the said Thomas Dixon and William MacNairn Shaw, whereby, after bequeathing certain specific legacies, he directed that the trustees should invest the balance of his estate, and out of the proceeds thereof pay his widow, Isabella Moore, an annuity of \$500 a year during her natural life, and upon the death of the said widow that the trustees should divide the remainder of his estate, paying one-half thereof to aid in the erection and endowment of a hospital at the Town of Walkerton for the sick and injured of the County of Bruce, provided sufficient funds in the opinion of the said trustees were otherwise raised, with the addition thereto of the said moneys so bequeathed, to purchase and erect a suitable building and furniture for the said hospital, and to pay the other half of such estate to aid The Children's Aid Society of the County of Bruce, and that should the trustees find that all the residue of the said estate was not required to remain invested to provide said annuity, that in their discretion they might divide the surplus not so required, and use one-half thereof in aid of The Children's Aid Society of the County of Bruce and the other half in aid of the establishment of such hospital; and whereas the estate of the said deceased, after paying all debts and liabilities and the legacies bequeathed by said will other than the said annuity, amounts to the sum of \$15,500; and whereas The County of Bruce General Hospital Trust at Walkerton has been incorporated under the provisions of *The Act respecting Benevolent, Provident and other Societies*, and certain sums have been subscribed by divers persons and corporations to aid in the erection of the said hospital; and whereas the Municipal Council of the County of Bruce has agreed, provided power is granted to it, to aid the said hospital by paying to the trustees of the said will the sum of

of \$250 per annum during the lifetime of the said widow, and the trustees of said will have agreed, upon receiving the said agreement, and upon being empowered by this Act so to do, to pay to The County of Bruce General Hospital Trust at Walkerton the sum of \$7,750, and all interest accrued thereon, for the purposes of a public hospital on the terms set forth in the said agreement, and whereas the said petition further sets forth that it is deemed probable that The Children's Aid Society of the County of Bruce may decide, in lieu of expending part of the moneys which it will receive under the provisions of the said will in the erection of a house of refuge for poor children, to enter into an arrangement with The County of Bruce General Hospital Trust at Walkerton to provide rooms for the reception of sick and injured children requiring nursing and treatment, and has prayed that the said agreement be ratified, that the Corporation of the County of Bruce be empowered to contract to pay the said annuity during the lifetime of the said Isabella Moore, that the said trustees be empowered, on receiving such contract, to pay over the said sum to The County of Bruce General Hospital Trust at Walkerton, and that The Children's Aid Society of the County of Bruce be authorized to grant aid to The County of Bruce Hospital Trust at Walkerton if it deems it proper so to do; and whereas the said widow has approved of the said agreement and consents to the legislation hereinafter enacted insofar as her rights are thereby affected; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between County and Children's Aid Society and Hospital Trust confirmed.

1. The agreement entered into between the Corporation of the County of Bruce, Thomas Dixon William McNairn Shaw. The Children's Aid Society of the County of Bruce, and The County of Bruce General Hospital Trust at Walkerton, dated the 31st day of January, 1902, and set forth as Schedule A to this Act, is ratified and confirmed and declared to be binding upon the parties thereto, their successors and assigns.

Executors of W. J. Moore authorized to pay one-half residue to hospital.

2. The said Thomas Dixon and William McNairn Shaw, the executors of the will of the said William John Moore, deceased, or such person or persons as may for the time being be executor or executors of or trustee or trustees under the said will, shall have power to pay over to The County of Bruce General Hospital Trust at Walkerton, one-half of the residuary estate of the said William John Moore in their hands and accrued interest thereon, as set forth in the said agreement.

Children's Aid Society may pay over moneys to Hospital Trust.

3. The Children's Aid Society of the County of Bruce may grant and pay to The County of Bruce General Hospital Trust at Walkerton out of the moneys it is entitled to receive under

the

the said will, such sums as it may deem proper to grant to The County of Bruce General Hospital Trust at Walkerton in aid of a hospital at Walkerton on such terms and conditions as may be agreed upon between The Children's Aid Society of the County of Bruce and the said The County of Bruce General Hospital Trust at Walkerton.

SCHEDULE A.

This Agreement, made the thirty-first day of January in the year of our Lord one thousand nine hundred and two, between the Corporation of the County of Bruce in the Province of Ontario, of the first part, Thomas Dixon and William Macnairn Shaw, both of the Town of Walkerton in the County of Bruce and Province aforesaid, Barristers at Law, Executors and Trustees under the last Will and Testament of William John Moore, late of the Township of Brant in the said County of Bruce and Province aforesaid, yeoman, deceased, of the second part, The Children's Aid Society of the County of Bruce in the said Province, of the third part, and the County of Bruce General Hospital Trust at Walkerton, of the fourth part.

Whereas the said late William John Moore died on or about the thirteenth day of March in the year of our Lord 1899, at the said Township of Brant in the said County, having first made and published his last Will and Testament bearing date the 24th day of February, A. D. 1899, Probate of which Will was granted by the Surrogate Court of the said County of Bruce to the said parties of the second part on the 15th day of May, A. D. 1899.

And whereas by said Will the said William John Moore devised and bequeathed all his real and personal estate, with the exception of his household furniture, beds, bedding, books, pictures, cooking utensils, etc., to the said parties of the second part in trust to sell all his real estate and all his goods, chattels, and effects (with the exception aforesaid), and realize the same into money and collect all outstanding securities, and apply the proceeds thereof in the manner provided in said Will.

And whereas that after payment of certain legacies the said Will directed the said parties of the second part to invest by mortgage on farm security or in any other way said parties of the second part might see fit at the best rate of interest they could obtain the balance of the moneys so realized from his said estate and out of the interest realized therefrom and out of the principal if insufficient moneys obtained from interest to pay to said Isabella Moore an annuity of \$500 a year over and above the legacy to her of \$2,000, provided however, that said Isabella Moore should not be entitled to anticipate said annuity or receive the value of said annuity in lieu thereof.

And whereas said Will further provided that after the payment of legacies set forth in said Will and said annuity to said Isabella Moore and after her decease the balance of his estate after paying all legal and proper expenses of carrying out the provision of said Will and the care and management of his estate by said parties of the second part should be applied as follows, that is to say :—That one-half of said balance should be used and employed by said parties of the second part in aid of the erection and endowment of a hospital at the Town of Walkerton for the sick and injured of the County of Bruce, provided sufficient funds, in the opinion of said parties of the second part are otherwise raised with the addition thereto of the moneys devised under said Will, to purchase land (if required to be purchased) and to erect thereon a suitable building and furniture for said hospital

hospital and the other half to be used by said parties of the second part to aid The Children's Aid Society of the County of Bruce, established for the maintenance, clothing and education of poor and neglected children, said parties of the second part to have a discretion as to the exact way said moneys may be used for said purposes and whether all or any of it should be used for buildings, land or furniture.

And whereas also it was provided by such Will that should said parties of the second part find that in their opinion all of the said balance of said estate should not be required to remain invested to provide out of the interest arising therefrom, the said annuity to said Isabella Moore, said parties of the second part were by said Will granted the discretion to divide in equal parts so soon as they should see fit such sum not so required and use the one-half thereof in aid of the said The Children's Aid Society of the County of Bruce and the other half in aid of the establishment of such hospital provided that within five years from the decease of the said late William John Moore said parties of the second part are of the opinion that sufficient funds for the erection and establishment of said hospital have been otherwise provided to justify in applying said half of said surplus funds in that way but if not satisfied that sufficient funds have been otherwise raised, then at the end of said five years, they might apply such half intended for said hospital in aid of The Children's Aid Society of the County of Bruce.

And whereas said Will provided that the provision contained therein on behalf of the wife of the said late William John Moore should be in lieu of all dower or other rights or claims on his estate.

And whereas the said Isabella Moore elected to accept the provision made for her in said Will in lieu of dower.

And whereas after the payment of all the legacies provided in said Will other than the annuity of \$500 a year to the said Isabella Moore during her lifetime there remains in cash and securities in the hands of the said parties of the second part the sum of \$15,550 or thereabouts.

And whereas private subscriptions have been obtained to purchase land for said proposed hospital to the amount of \$1,500, and the Corporation of the Town of Walkerton have agreed to place before the electors of said town to be approved by them, a by-law to raise the sum of \$2,000, by the issue of debentures and hand the proceeds over to the said parties of the fourth part to aid in the purchase of land and the erection and equipment of the hospital at said Town of Walkerton referred to in said Will.

And whereas the corporation of the County of Bruce has passed a by-law by which said corporation has agreed to provide each year during the period of the life of the said Isabella Moore the sum of \$250 and pay same over to the said parties of the second part in order to relieve one-half of the moneys required to be invested to provide said annuity for said Isabella Moore and enable said one-half of principal to be handed over by said parties of the second part to said parties of the fourth part.

And whereas said parties of the third part have by executing this Agreement consented to the appropriation of said portion of said principal to be applied in the erection and equipment of said proposed hospital provided other moneys as hereinafter mentioned are raised which with said sum so devised are sufficient to erect and equip said hospital.

It is hereby agreed by and between the parties aforesaid and their respective successors, administrators and assigns :—

1. That the parties of the fourth part shall procure the council of the corporation of the said Town of Walkerton at as early a day as possible to submit a by-law to the electors of the Town of Walkerton to raise the sum of \$2,000 by the issue of debentures and to aid in the erection and equipment of a County of Bruce Hospital at said Town of Walkerton

and

and if ratified to issue debentures of said town for said sum and to pay the proceeds into the agency of the Canadian Bank of Commerce at said Town of Walkerton to the credit of the said parties of the fourth part.

2. That the private subscriptions subscribed to aid in the purchase of the land and the erection and equipment of same shall with as little delay as possible be collected by the said parties of the fourth part and also paid into said agency of said bank to the credit of the said parties of the fourth part for the purposes aforesaid.

3. The parties of the first part hereby agree with the said other parties to this agreement to pay out of the general funds of the County of Bruce the sum of \$250 each year during the natural lifetime of the said Isabella Moore, to the said parties of the second part, or their successors, as executors and trustees of the said late William John Moore to aid them in paying the annuity of the said Isabella Moore, the first payment to be made on the thirteenth day of March, A.D. 1903, provided that the sum of \$6,000 shall then have been actually expended in the erection and equipment of said hospital, and the remaining payments on the thirteenth day of March in each succeeding year thereafter during the lifetime of the said Isabella Moore.

4. The said parties of the first and fourth parts will also apply at once to the local Legislature of the Province of Ontario to have this agreement ratified and confirmed so as to legally bind said parties of the first part for the said annual payments, the costs and expense of obtaining said confirmation to be borne equally between the said parties of the first and fourth parts.

5. That so soon as said subscriptions are paid into said bank and the sum of \$2,000, if said by-law is ratified, paid by said corporation of the Town of Walkerton to the credit of the said parties of the fourth part or debentures to that amount delivered to them and this agreement ratified by an Act of the Legislature of the Province of Ontario, the said parties of the second part and their successors will realize into money the one-half of the balance of the estate of said late William John Moore, and less expenses connected with the further administration of his estate, pay same into said bank to the credit of the said parties of the fourth part.

6. The said parties of the third part agree with the said parties of the second part and their successors as such executors and trustees as aforesaid to the application of said one-half of the said fund in aid of the erection and equipment of said hospital.

7. And the said parties of the fourth part in consideration of said several payments agree with the said parties of the second part and their successors as such executors and trustees and said other parties hereto jointly and severally, that they will purchase land for said hospital, erect and equip same in a proper manner for the use of the County of Bruce, and will maintain in proper order for the reception and care of patients for a period of at least twenty-five years or during the lifetime of said Isabella Moore, whichever period shall first expire. That such hospital shall be known as "The Moore Hospital," and that the words "The Moore Hospital" be inscribed in stone on some part of the front of said hospital.

8. It is further mutually agreed by and between all said parties hereto that the Act of the Legislature ratifying and confirming this agreement shall provide that said parties of the second part by complying with the terms of this agreement shall not be judged guilty of any nonapplication or misapplication of the moneys of said estate.

And it is further agreed by and between the parties thereto that until this agreement is ratified and confirmed by the Legislative Assembly of Ontario it shall not be binding on any of the parties hereto.

In

In Witness whereof the parties of the first, third and fourth parts hereto, to be signed by the warden and clerk of the parties of the first part and the president and secretary of the parties of the third part and their official seals attached hereto and by the hands and seals of the said parties of the second part.

Signed, Sealed and Delivered }
in the presence of }

(Sd.) JOHN A. MCKAY.

(Sd.) J. J. DONLEY,

Warden Co. Bruce.

{ Seal
County
of Bruce. }

(Sd.) W. S. GOULD,

Clerk Co. Bruce.

(Sd.) THOS. DIXON,

{ Seal. }

(Sd.) WM. SHAW.

{ Seal. }

(Sd.) A. SHAW,

Pres. Ch. Aid Society,
Co. Bruce.

{ Seal
Child-
ren's Aid
Society. }

(Sd.) J. MORGAN,

Sec. Treas. Ch. Aid
Society Co. Bruce.

(Sd.) A. R. KLEIN,

Pres. Hospital Trust.

{ Seal
Hospital
Trust. }

(Sd. D. MACGILLVRAY,

Sec'y Hospital Trust.

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